

		Page 1		Page 3
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	FOR THE SOUTHERN DISTRICT OF TEXAS			PAGE
2	CORPUS CHRISTI DIVISION			
3				
4	WALTON CUDE )		3 Appearances	2
	)		4 Stipulations	6
5	Plaintiff )		5	
	)		6 WITNESS: BILL MARTIN WINKFEIN	
6	V. ) CIVIL ACTION NO. 2:19cv388		7 Examination by Mr. Swallow	6
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12	VIDEOTAPED DEPOSITION OF		15	
	BILL MARTIN WINKFEIN		16	
13	OCTOBER 30, 2020		17	
	(Reported Remotely)		18	
14			19	
15	VIDEOTAPED DEPOSITION of BILL MARTIN WINKFEIN,		20	
16	produced as a witness at the instance of the Plaintiff,		21	
17	taken in the above-styled and numbered cause on the 30th		22	
18	day of October, 2020, from 10:06 a.m. until 3:55 p.m.,		23	
19	before Sandra E. Leas, a Certified Shorthand Reporter		24	
20	No. 6929 in and for the State of Texas, reported		25	
21	stenographically, at Sandia, Texas, pursuant to the			
22	Federal Rules of Civil Procedure and the Twenty-Sixth			
23	Emergency Order Regarding the COVID-19 State of Disaster			
24	and the provisions stated on the record or attached			
25	hereto.			
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1	A P P E A R A N C E S		E X H I B I T S	
2				
3	COUNSEL FOR THE PLAINTIFF:		2 NUMBER	DESCRIPTION
4	Mr. John Swallow		3 FOR THE PLAINTIFF:	PAGE
	Mr. Jacob Hubert		4 Exhibit 1	Certification Cards
5	HUSEMAN LAW FIRM		5 Exhibit 2	Power box
	615 N. Upper Broadway		6 Exhibit 3	Rusted transformer 02
6	Suite 2000		7 Exhibit 4	Rusted transformer 03
	Corpus Christi, Texas 78401		8 Exhibit 5	Rusted transformer 04
7	361-883-3563		9 Exhibit 6	Rusted transformer 05
	jswallow@husemanlawfirm.com		10 Exhibit 7	Rusted transformer 06
8	jhubert@husemanlawfirm.com		11 Exhibit 8	Rusted transformer 07
9			12 Exhibit 9	Rusted transformer
10	COUNSEL FOR THE DEFENDANT:		13 Exhibit 10	Service drop
	Mr. G. Don Schauer		14 Exhibit 11	Power lines
11	SCHAUER & SIMANK, P.C.		15 Exhibit 12	Plants growing on wires
	615 N. Upper Broadway		16 Exhibit 13	Cracked wires
12	Suite 700		17 Exhibit 14	Burnt power pole
	Corpus Christi, Texas 78401-0781		18 Exhibit 15	1115 Vista lane after fire
13	361-884-2800		19 Exhibit 16	Picture of fire, nighttime
	dschauer@cctxlaw.com		20 Exhibit 17	Picture of melted triplex
14			21 Exhibit 18	AEP ground wire
15	ALSO PRESENT:		22 Exhibit 19	AEP transformer, Cude residence
16	Mr. Jonathan Nunez, Videographer		23 Exhibit 20	AEP transformer
17			24 Exhibit 21	AEP transformer tag
18			25 Exhibit 22	AEP transformer pole
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22				
23				
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25				

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1		P R O C E E D I N G S	
2		(Exhibits 1 - 27 premarked.)	
3		THE VIDEOGRAPHER: Today is Friday, the date is October 30th, 2020. The time is 10:06 a.m. We are now on the record.	
4			
5			
6		THE REPORTER: Okay. This deposition is being conducted remotely by LegalView.	
7			
8		(Bill Martin Winkfein sworn.)	
9		THE REPORTER: Do you have any agreements for the record?	
10			
11		MR. SCHAUER: I'm fine to go.	
12		MR. SWALLOW: Don, you got anything?	
13		MR. SCHAUER: No, I'm ready to roll.	
14		MR. SWALLOW: Then go ahead. Sounds good.	
15			
16		Can we proceed, then?	
17		THE REPORTER: Yes.	
18		BILL MARTIN WINKFEIN,	
19		having been duly sworn, testified as follows:	
20		EXAMINATION	
21		BY MR. SWALLOW:	
22		Q. Good morning, Mr. Winkfein. Can you -- can you give your full name for the record, please?	
23			
24		<b>A. Bill Martin Winkfein.</b>	
25		Q. And how are you feeling this morning,	
		Page 7	
1		<b>1 Mr. Winkfein?</b>	
2		<b>2 A. Not bad for a Friday.</b>	
3		Q. All right. Any -- anything -- are you feeling all right, ready to give your deposition this morning?	
4			
5		<b>5 A. Sure.</b>	
6		Q. Okay. Anything that would prevent you from giving your deposition or giving honest, truthful testimony this morning?	
7			
8		<b>9 A. No.</b>	
9		Q. Okay. Why don't -- why don't we just get for the record real quick, where -- where are you located this morning?	
10			
11		<b>13 A. At Bill Cude's house.</b>	
12		Q. Okay. And I'll represent for the record, my name is John Swallow and I'm an attorney for -- for plaintiff in this matter, Walton Cude.	
13			
14		Is Mr. Cude there with you this morning?	
15			
16		<b>18 A. Yes.</b>	
17		Q. Okay. And do you know -- do you know the address for Mr. Cude's residence?	
18			
19		<b>21 A. Not right offhand.</b>	
20		Q. Okay. Is it -- does 595 South Vista Drive in Sandia, Texas sound --	
21			
22		<b>24 A. Yeah.</b>	
23		Q. -- about right?	
24			
25			
		Page 8	
1		<b>1 A. Yes.</b>	
2		Q. Okay. And the reason -- and I don't want to go into too much detail, but the reason we're doing the deposition this morning via Zoom is because of personal health reasons, correct?	
3			
4		<b>6 A. Yes.</b>	
5		Q. Okay. All right.	
6			
7		<b>8 A. My -- my nurse is supposed to come over this morning, but I put her off till Monday.</b>	
8			
9		Q. Okay. All right. I appreciate that. And --	
10		and I appreciate you taking the time to give your deposition -- deposition this morning and help us out.	
11			
12		Where do you -- where do you currently live, Mr. Winkfein?	
13			
14		<b>15 A. 135 Mohawk Drive, Sandia, Texas.</b>	
15			
16		Q. And how long have you lived there?	
17			
18		<b>17 A. Oh, probably around 11 years or so.</b>	
19		Q. All right. And where -- where is -- where is Mohawk -- Mohawk Drive located?	
20			
21		<b>20 A. It's in the Arrowhead subdivision.</b>	
22		Q. Okay. And is that -- is that the -- are you currently -- are you giving your deposition this morning from the Arrowhead subdivision?	
23			
24		<b>24 A. Yes.</b>	
25		Q. And is that where the -- the incident, the	

<p>1 fire that -- that is the subject of this case, is that 2 where that also occurred?</p> <p><b>3 A. Yes.</b></p> <p>4 Q. And if you would for the jury, just where -- 5 where y'all are located now, how far is that from -- 6 from the fire?</p> <p><b>7 A. Oh, probably a mile.</b></p> <p>8 Q. Okay. Same general area. And how long -- how 9 long have you lived in the Arrow- -- Arrowhead 10 subdivision? I think you said about 11 years; is that 11 correct?</p> <p><b>12 A. Correct.</b></p> <p>13 Q. And I didn't ask this at the beginning, but 14 have you ever given a deposition before?</p> <p><b>15 A. No.</b></p> <p>16 Q. Okay. And -- and I don't think you -- I don't 17 think we're going to have any problems today, but if you 18 have -- if -- if you have any questions, please feel 19 free to -- feel free to stop. Or if you don't 20 understand something that I ask, please -- please -- or 21 that Mr. Schauer asks, please feel free to stop us 22 and -- and just ask for a clarification.</p> <p>23 And if you have to take a break as well, 24 just let us know. And the other big rule is, you know, 25 we'll try not to -- to talk over each other, but I think</p>	Page 9	<p>1 MR. SWALLOW: Why don't we fix that right 2 now?</p> <p>3 Yeah, Mr. Winkfein, if you can either 4 move the computer or scoot a bit closer.</p> <p><b>5 THE WITNESS: Okay, I'm closer.</b></p> <p>6 MR. SWALLOW: And if we need to, do you 7 want us to take a break and adjust the audio levels on 8 the computer?</p> <p>9 THE REPORTER: That might be good.</p> <p>10 MR. SWALLOW: Why -- why don't we try 11 that? I'm sorry, but yeah, I was having a little -- 12 little hard time hearing as well.</p> <p>13 THE VIDEOGRAPHER: All right. The time 14 is -- the time is 11:11 -- 10:11, excuse me. We are now 15 off the record.</p> <p>16 (Break from 10:11 to 10:13 a.m.)</p> <p>17 THE VIDEOGRAPHER: The time is 10:13 a.m. 18 We are now on the record.</p> <p>19 Q. (BY MR. SWALLOW) Mr. Winkfein, you indicated 20 you were retired. Do you -- do you still maintain 21 electrical certification so you can continue to do 22 electrical work?</p> <p><b>23 A. Yes.</b></p> <p>24 Q. And what sort of certifications do you 25 maintain?</p>	Page 11
<p>1 we're doing a good job of that.</p> <p>2 What do you currently do, Mr. --</p> <p>3 Mr. Winkfein?</p> <p><b>4 A. I'm retired.</b></p> <p>5 Q. Okay. What did you do before you were 6 retired?</p> <p><b>7 A. I was an electrical contractor.</b></p> <p>8 Q. And how long ago did you retire?</p> <p><b>9 A. It's been -- it's been six, seven years ago</b> <b>10 or more, or longer.</b></p> <p>11 Q. Do you still work as an electrical contractor 12 even though you're -- you're retired?</p> <p><b>13 A. I just do some --</b></p> <p>14 THE REPORTER: Pardon? What was the 15 answer?</p> <p><b>16 A. I just do things for friends of mine. I'll</b> <b>17 cut the leg bolts or tell them how to wire something up.</b> <b>18 That's about it. I just do that at my home.</b></p> <p>19 Q. Okay.</p> <p>20 MR. SWALLOW: Sandy, are you able to hear 21 Mr. Winkfein all right?</p> <p>22 THE REPORTER: Well, it's difficult.</p> <p>23 MR. SWALLOW: Okay.</p> <p>24 THE REPORTER: Could he get closer, do 25 you think?</p>	Page 10	<p>1 MR. SWALLOW: I hold a master's license for 2 the state of Texas right now. I still hold my master's 3 license and everything in the state of Tennessee. Of 4 course, that license is good for the east coast 5 including Florida.</p> <p>6 Q. Okay. Mr. Winkfein, you provided me with a 7 couple cards. I'm going to put those up on the screen 8 right now. Can you tell us what we're looking at here? 9 This has -- this has been marked as Exhibit 1.</p> <p><b>10 A. That's the International Brotherhood of</b> <b>11 Electrical Workers. That's a union company, it's</b> <b>12 throughout the United States.</b></p> <p>13 Q. Okay. Is this a certification?</p> <p><b>14 A. It's just a card that I'm a member of that</b> <b>15 organization.</b></p> <p>16 Q. And I have one more -- one more card here. 17 This is Exhibit 1 as well. This is from the State of 18 Texas. Can you tell us what this is?</p> <p><b>19 A. That's a state of Texas master's electrician</b> <b>20 license. It's from the Department -- Texas Department</b> <b>21 of License and Regulations, which I have to renew once a</b> <b>22 year. I have to do a four-hour refresher course once a</b> <b>23 year.</b></p> <p>24 Q. And this allows you to work as a -- as a 25 master electrician in Texas?</p>	Page 12

<p style="text-align: right;">Page 13</p> <p><b>1 A. Yes, it's good for Texas, Oklahoma, Arkansas and Louisiana.</b></p> <p>3 Q. Okay. And you've maintained this current 4 since -- how many years have you had this license?</p> <p><b>5 A. I can't remember. I've had it probably way over 30-something years.</b></p> <p>7 Q. Okay. You mentioned a couple other 8 certifications and I don't think I got those. Do you 9 have cards for those or certificates?</p> <p><b>10 A. I don't have anything with me at the moment.</b></p> <p>11 Q. Would those -- would those be at home, or 12 where -- where would we find those?</p> <p><b>13 A. They would be home somewhere, probably in a box somewhere.</b></p> <p>15 Q. Okay. All right. If -- if we ask you to get 16 those, do you think you might be able to provide those 17 to Mr. Schauer?</p> <p><b>18 A. I can try to find them, yes, sir.</b></p> <p>19 Q. Okay. And we're not going to worry about them 20 today, but...</p> <p>21 Can you tell us a little bit about your 22 background in electrical field? What -- what -- what 23 was your formal training? Where did you go to school, 24 that sort of stuff?</p> <p><b>25 A. I went to University of Tennessee, got my</b></p>	<p style="text-align: right;">Page 15</p> <p><b>1 Redstone Arsenal. I did some more work for them up in 2 Washington, D.C. Installed in their computer room. Up 3 there they don't call it mass up there, which it is, but 4 they call it e-Systems up there.</b></p> <p><b>5 And I've done water treatment plants, 6 I've done skyscrapers, I've done hotels, motels, 7 restaurants, apartment buildings and residential. And 8 I've worked in refineries and chemical plants and 9 factories.</b></p> <p>10 Q. And it sounds like you've had a fair amount of 11 experience in -- is this both in the -- I guess -- I'm 12 not sure how to put it, this into layman's terms for the 13 jury, but you've -- it sounds like you've done quite a 14 bit of things both internal wiring as well as -- as 15 external hookups?</p> <p><b>16 A. Yes.</b></p> <p>17 Q. Okay.</p> <p><b>18 A. And I've done work for Exxon where I used to 19 hook up these 2,000 horsepower motors on the pipelines.</b></p> <p>20 Q. Can you tell us a little bit, too, about -- 21 since this is a residential tech case, can you tell us a 22 little bit more about your residential experience as 23 well?</p> <p><b>24 A. Certainly. I've done numerous homes and 25 apartment buildings. There's not much to them. They're</b></p>
<p style="text-align: right;">Page 14</p> <p><b>1 master's license certificate, master's in electrical 2 engineering. I went through the International 3 Brotherhood of Electrical Workers. I worked for them a 4 numerous amount of years. And I worked for the union 5 companies throughout the United States. And I also 6 worked for myself throughout the United States.</b></p> <p>7 Q. And when did you graduate from school?</p> <p><b>8 A. It was right when I got out of Vietnam. I 9 think it was -- I got out around '70 -- probably 10 around 1974, somewhere in that era.</b></p> <p>11 Q. And -- and you graduated from the University 12 of Tennessee. Was that a bachelor's degree or did you 13 say that was a master's degree? What was that?</p> <p><b>14 A. That was a master's.</b></p> <p>15 Q. Okay. In electrical engineering?</p> <p><b>16 A. Yes.</b></p> <p>17 Q. And that was around 1970? Is that --</p> <p><b>18 A. Probably '74.</b></p> <p>19 Q. Okay. Well, you would have graduated in '74. 20 That makes sense.</p> <p>21 Any -- any other formal training that 22 you've had over the years related to electrical field?</p> <p><b>23 A. I've -- I've run numerous projects for wiring 24 hospitals. I've done power plants. I've hooked up 25 robotics in Huntsville, Alabama in a place called</b></p>	<p style="text-align: right;">Page 16</p> <p><b>1 a lot easier than wiring a hospital. I don't know how 2 much you can say about it. All you do is go to the 3 prints and the specs. Each house is different with a 4 set of blueprints. You've got to wire accordingly, then 5 you've got to wire accordingly to the National Electric 6 Code.</b></p> <p>7 Q. Do you have any particular experience working 8 with transformers, that sort of stuff?</p> <p><b>9 A. I've worked numerous times. I've hooked up -- 10 I don't know how many transformers I've hooked up 11 throughout the years. I've hooked them up in, like, 12 hospitals, I've hooked them up in schools. I've done it 13 in hotels, motels. The list goes on and on and on.</b></p> <p>14 Q. Okay. How about with -- with regard to 15 maintenance and -- and things like that with 16 transformers? Are you familiar with the requirements, 17 industry standards relating to that?</p> <p><b>18 A. Yes, you're required to have a -- on a 19 transformer you're supposed to have a polar current 20 protection on the primary side of those transformers and 21 on the secondary side of those transformers.</b></p> <p>22 Q. Okay. And I'm more interested just with 23 regard to your work or your education, experience. Do 24 you have -- do you have experience that would give you, 25 you know, special knowledge in that area as far as</p>

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1 hooking up, you know, service connections to houses,  
 2 installation of service connections, maintenance of  
 3 transformers and things of that nature?

4 A. On service, you put out a brand new panel, or  
 5 service they call it, and you put -- all your wires are  
 6 coming out. You put those over their own marks and you  
 7 put them on different types of breakers, whether it's a  
 8 20- or 30-amp breaker or 60-amp breaker. You go out of  
 9 that, you feed into a meter and you make what's called a  
 10 riser and have a weatherhead on it. Then the power  
 11 company comes out and connects it.

12 Q. Okay. And -- and as far as your background,  
 13 though, I understand -- I understand you have a lot of  
 14 experience. Maybe just give us some examples of -- have  
 15 you -- have you had experience hooking up service  
 16 connections, that sort of stuff? And I know we talked a  
 17 little bit about the hospitals, residential. But is  
 18 that something you can speak to? Is that something  
 19 you've done quite a bit in your -- in your work?

20 A. I've done quite a bit of that.

21 Q. Okay.

22 A. I've done all the service work. I've come  
 23 from the power companies, transformers, and feed them  
 24 back into the buildings which goes into what's called a  
 25 switchgear. A lot of your hospitals, they got back-up

Page 19

1 A. My master electrical license certifies that.  
 2 Q. Okay. And the master electrical license, is  
 3 that from -- is that from Tennessee, the University of  
 4 Tennessee, or where -- where is that from? Or is that a  
 5 master electrician license from Texas?

6 A. It's one -- we just had all the  
 7 (unintelligible) from the state of Texas.

8 Q. Okay. So -- so the -- your master electrician  
 9 license here from the state of Texas, that would --  
 10 which I've put it back up on the screen, Exhibit 1 --  
 11 that would qualify you as well to work on, you know,  
 12 transformers, grid electrical distribution systems; is  
 13 that correct?

14 A. Correct.

15 Q. Okay. Did you know the plaintiff in this  
 16 case, Walton Cude, prior -- prior to you working as a --  
 17 as an expert?

18 A. Yes.

19 Q. Okay. And can you tell us a little bit  
 20 about -- how long have you known Mr. Cude?

21 A. Oh, I'd say about nine or 10 years.

22 Q. Did y'all -- did y'all meet in the Arrowhead  
 23 neighborhood?

24 A. Yes.

25 Q. And has Mr. Cude lived out there for a similar

Page 18

1 generators on there, and you've got to test all that.

2 Q. Okay. And with -- for your certifications  
 3 that you have, is -- is that primarily related to  
 4 service side installations or is that -- is that also  
 5 related to, you know, lineman stuff, how to -- you know,  
 6 how to maintain transformers, electrical grids, that  
 7 sort of stuff?

8 A. Well, that -- I've got the license which I  
 9 took in the state of Tennessee, which I had to buy about  
 10 an \$80 book to pass that test. Had about three  
 11 electrical tests on that, and a lot on business tests to  
 12 pass that certification. I don't do it because I'm not  
 13 equipped to handle that. Like in Nashville, Tennessee  
 14 it's called Nashville Electric Company. Down here it's  
 15 called AEP. Then they got San Francisco Electric, and  
 16 NEC Electric Company is down there. They handle that.  
 17 They're equipped for it.

18 Q. Right. And I understand there's probably  
 19 bucket trucks and other equipment and things like that  
 20 that you would need to do that, but are you certified to  
 21 do that type of work?

22 A. Yes.

23 Q. And who -- what -- what sort of certifications  
 24 specifically do you have that are relevant to -- to that  
 25 kind of work?

Page 20

1 number of years?

2 A. Yes.

3 Q. And did you -- did you also before this, did  
 4 you do some work on Mr. Cude's -- the house that burned  
 5 down? And I'm talking about the house that was located  
 6 at 1110 Vista Town Lane. Are you familiar with that  
 7 residence?

8 A. Yes, I built the -- we did his service on his  
 9 house, new meter, all new wiring.

10 Q. Okay. And what -- when -- when was that? Do  
 11 you remember?

12 A. I can't recall right offhand. It's been  
 13 numerous years ago. It's 2011.

14 Q. Okay. And can you -- can you tell us what you  
 15 did, what electrical work you did on the house?

16 A. I tore his old panel box, meter, everything  
 17 off the wall that he had built. I put a brand new panel  
 18 box, all brand new breakers, brand new 200-amp main  
 19 breaker in the -- which can work for a panel box. I put  
 20 new -- a new meter, new conductors going up through the  
 21 weatherhead, and from the meter box back into Walt's --  
 22 his panel box, it's all brand new.

23 Q. And I'm going to pop up on the screen here for  
 24 you what I've marked as Exhibit 2. Have you seen --  
 25 have you seen this picture before?

<p>1     <b>A. Yes.</b></p> <p>2     Q. I'll represent this is -- this is something 3 that Mr. Cude provided to us.</p> <p>4     <b>A. It's upside-down.</b></p> <p>5     Q. So it is. Hold on one second. Let me see if 6 I can -- let me see if I can fix that. I bet I can do 7 that if you give me one second.</p> <p>8                 Okay. Let's try that again. That does 9 look better. Okay. So you were saying this is the -- 10 this is the panel box on Mr. Cude's house?</p> <p>11    <b>A. Yes.</b></p> <p>12    Q. Okay. And is this after -- after you had 13 finished your work on the house?</p> <p>14    <b>A. Yeah.</b></p> <p>15    Q. Okay. Tell us, is there a -- tell us about 16 what's in here. You replaced -- and you may have said 17 this already, but you replaced the main breaker -- the 18 breakers and -- was there also maybe a surge protector 19 in there?</p> <p>20    <b>A. Yes.</b></p> <p>21    Q. Okay. Can you just tell the jury real quick 22 what -- I'm sorry, I think -- I think you did, but --</p> <p>23    <b>A. The top -- top breaker, that's your main 24 breaker. That's a 200-amp main breaker. The wires that 25 are feeding that, there's two ought conductors. The</b></p>	<p>Page 21</p> <p>1 conductor, a number 6/3 with ground, loaded into 2 Mr. Cude's work area, and I mounted another subpanel, 3 which is called no-nee (ph.). I had added a couple 4 receptacles where he could plug in some of his tools, 5 and I also wired up an air compressor.</p> <p>6     Q. Okay. Tell us about -- so there was a -- 7 there was a -- a second subpanel in -- in Mr. Cude's 8 work area?</p> <p>9     <b>A. Yes.</b></p> <p>10    Q. Okay. Can you tell us about that?</p> <p>11    <b>A. That's a 125-amp panel. I brought number 6 12 wire to it and that's good for 60 amps. And I brought 13 that -- that main for that was coming out of this panel, 14 and that was protecting the conductors and everything in 15 that panel.</b></p> <p>16    Q. Okay. Any other work you did on -- on the 17 wiring?</p> <p>18    <b>A. That pretty much sizes it up.</b></p> <p>19    Q. Did you mention -- and -- and you may have 20 mentioned this already, but did you -- did you do 21 anything with the -- the weatherhead, the service that 22 was coming into the house?</p> <p>23    <b>A. I replaced all that.</b></p> <p>24    Q. Okay. And when you say replaced all that, you 25 didn't replace the -- the -- the -- the drop line or the</p>	<p>Page 23</p>
<p>1     <b>neutral wire, which goes back to the meter also, that's 2 a one-ought conductor. The rest of the branch circuits 3 that goes throughout the house, some of them's on 20s, 4 single-pole 20s, some of them are two-pole 30s, and some 5 of them are two-pole 50s.</b></p> <p>6     Q. Okay. Do you believe this fairly and 7 accurately represents the photograph -- and I know you 8 didn't take it -- but do you think it fairly and 9 accurately represents the work that you did, what was 10 there after you did the installation and what was there, 11 you know, after -- at the time of the fire, the 12 incident?</p> <p>13    <b>A. Well, this is how it looked after I got done 14 with it.</b></p> <p>15    Q. Okay. Did you go back and inspect it after 16 2011?</p> <p>17    <b>A. No, there was no reason to.</b></p> <p>18    Q. Okay. And do you know -- you're not aware of 19 anybody else who did any work after 2011, are you?</p> <p>20    <b>A. No.</b></p> <p>21    Q. Okay. Did you inspect or did you replace, did 22 you do any work on the rest of the wiring in the rest of 23 the house?</p> <p>24    <b>A. I went through and changed out some 25 receptacles and some switches. I added another</b></p>	<p>Page 22</p> <p>1 AEP wires.</p> <p>2     <b>A. AEP -- AEP does that.</b></p> <p>3     Q. Right. Can you just explain a little bit for 4 the jury what -- what you placed, what specifically you 5 worked on with relation to the weatherhead?</p> <p>6     <b>A. Out of the top -- out of the top of this meter 7 box I've got a two-inch conduit that goes up. It's got 8 to be at least approximately 10 foot off the ground. I 9 scraped it in three places, 12 inches to the 10 weatherhead, one in the middle, one close to the meter 11 head. I put a new weatherhead. That's where the 12 conductors of that riser, the one that's called out, 13 then the power company hooks it up.</b></p> <p>14    Q. Okay. And for the jury who may not know it, 15 weatherhead is -- what is it?</p> <p>16    <b>A. It's kind -- it's kind of when the wires come 17 out of that conduit, the weatherhead fits over that 18 pipe, and it's got -- you've got to poke some holes in 19 the sides of that weatherhead, and you bring your 20 conductors out on that and it's got a cover that fits 21 over that. It keeps water from going down into the 22 meter.</b></p> <p>23    Q. Okay. And so if I can summarize, you -- did 24 you replace the wires going up into the weatherhead?</p> <p>25    <b>A. Yes.</b></p>	<p>Page 24</p>

<p>1 Q. Okay. And then A -- AEP would have connected 2 the wires from the service pole to the weatherhead; is 3 that --</p> <p><b>4 A. Yes.</b></p> <p>5 Q. Okay. Do you know who did that at AEP?</p> <p><b>6 A. Not offhand. I wasn't there when they did it.</b></p> <p>7 Q. Okay. Do you know who was there?</p> <p><b>8 A. I have no idea.</b></p> <p>9 Q. I may have read somewhere, either in your -- 10 your expert report on this case or -- or somewhere else, 11 but was there -- why did you replace the -- the wires 12 that were running from the -- from the AEP service 13 connection down into the weatherhead?</p> <p><b>14 A. They was all corroded, insulation coming off 15 the conductors, which was a hazard. I replaced all 16 that, put all brand new wire back in there so there 17 wouldn't be no kind of problems whatsoever. That come 18 right from the factory.</b></p> <p>19 Q. Okay. And when you say the -- the insulation, 20 can you explain a little bit jury -- to the jury what -- 21 what you mean by insulation?</p> <p><b>22 A. The insulation was -- covers about -- it's the 23 outside coating of the conductor itself, the copper.</b></p> <p>24 Q. Okay. So in -- I've got up on the screen the 25 picture of the box still. You've got wires coming down</p>	<p>Page 25</p> <p>1 everything, but did you --</p> <p><b>2 A. No. No, I didn't.</b></p> <p>3 Q. Why don't you tell us what you did. That 4 might be easier.</p> <p><b>5 A. I added some new receptacles replaced, 6 replaced some single-post switches that runs his lights 7 in his house.</b></p> <p>8 Q. Okay.</p> <p><b>9 A. I hooked up his vent-a-hood. I believe that's 10 what it was. I hooked up his -- he got a new stove. I 11 hooked that up. And that's pretty much the size of it.</b></p> <p>12 Q. Okay. Did you -- did you inspect most of the 13 receptacles and wiring, at least what was visible, in 14 the house?</p> <p><b>15 A. Yes.</b></p> <p>16 Q. Were any issues -- is that a fair statement?</p> <p><b>17 A. We just blocked the receptacles up. They was 18 old. Some of them didn't have a grounding ground, where 19 most receptacles nowadays you got to have a hot wire, a 20 neutral wire, and you've got a ground wire. Some of 21 them was just had -- was just a hot and neutral. We 22 brought them up to date. The way you can get around 23 without having a ground, you can have a GFI on the -- 24 wherever the power source is coming into a residence, 25 any kind of establishment, and a GFI will handle that</b></p>
<p>Page 26</p> <p>1 from the top. That would be the weatherhead, correct?</p> <p>2 Is the insulation -- are those the white wires, or which 3 ones -- which ones would be the -- the new wires coming 4 in from the weatherhead?</p> <p><b>5 A. The ones that are coming through the meter at 6 the bottom, it's got a short nipple, and you see it's 7 got a blue bushing on it. Those are the wires that's 8 coming from the meter that's feeding up to that top 9 breaker. Those other wires are branch service.</b></p> <p>10 Q. Okay. And so the insulation is the plastic 11 stuff around the wire, the white stuff that you can see?</p> <p><b>12 A. Correct.</b></p> <p>13 Q. Okay. And -- and before you did the work -- 14 you didn't take any pictures of the work you did, did 15 you?</p> <p><b>16 A. I didn't. I think Walt Cude took a picture of 17 this.</b></p> <p>18 Q. Yeah, that's -- that's my understanding as 19 well.</p> <p>20 What was your -- after you got done with 21 the work, did you -- did you inspect all the electrical 22 wires in the house?</p> <p><b>23 A. Yes.</b></p> <p>24 Q. Okay. And -- and maybe I should be a bit more 25 specific. I imagine you didn't open up the walls and</p>	<p>Page 28</p> <p><b>1 pole without a ground.</b></p> <p>2 Q. Okay. So -- so by the time you were finished, 3 all the outlets were actually grounded, not just the GF 4 -- GFI, but were actually grounded?</p> <p><b>5 A. It was grounded. It's going through the main 6 power that's feeding some receptacles. It was feeding 7 into the GFI receptacle first. Then it branched off and 8 hit a few more receptacles. The GFI was -- was hard 9 without a fuse. I had an issue with any of -- any of 10 those other receptacles, that GFI was the trip.</b></p> <p>11 Q. Okay. And did you also install -- I'm not 12 sure you mentioned before, but did you also install new 13 grounds for the residence?</p> <p><b>14 A. I installed the main ground, yes.</b></p> <p>15 Q. Okay. And so by the time you finished your 16 work, the residence was fully grounded, code compliant?</p> <p>17 Would you --</p> <p><b>18 A. Yes. It was up to standards of the National 19 Electric Code. The green wire you see in that box, 20 that's the grounding wire that's feeding into the meter 21 box.</b></p> <p>22 Q. And that goes -- what kind of -- what kind of 23 ground did you install?</p> <p><b>24 A. That's a number 4 ground; THHN is the outside 25 installation.</b></p>

<p style="text-align: right;">Page 29</p> <p>1 Q. And where does that wire go? Does it go to --</p> <p><b>2 A. It goes into the meter. And you've got</b></p> <p><b>3 another number 4 wire that goes down to a piece of</b></p> <p><b>4 conduit, and it goes -- you have a ground clamp and it</b></p> <p><b>5 clamps onto the ground rod itself. It's a five-eighths</b></p> <p><b>6 by eight-foot ground rod, which that ground rod is only</b></p> <p><b>7 good for another 6-wire, or 60 amps is all that ground</b></p> <p><b>8 rod is good for.</b></p> <p>9 Q. Okay. And the part -- and so that -- how big</p> <p>10 is the ground -- ground rod? Can you explain what the</p> <p>11 ground rod is just a little bit?</p> <p><b>12 A. It's a five-eighths ground rod. Eight foot</b></p> <p><b>13 deep is what is required. You install it in the ground.</b></p> <p><b>14 And you can have maybe a couple of inches just above the</b></p> <p><b>15 ground, but they pretty much want it ground level.</b></p> <p>16 Q. Okay. And so what was your general opinion,</p> <p>17 then, as a -- as a certified master electrician and</p> <p>18 electrical engineer at the state of the wiring,</p> <p>19 electrical wiring, electrical system in Mr. Cude's house</p> <p>20 after you finished your work?</p> <p><b>21 A. Looked like it was right up to date to the --</b></p> <p><b>22 that's the NEC, National Electric Code standards.</b></p> <p>23 Q. Okay. And you weren't -- any -- any remaining</p> <p>24 issues that you saw with the -- the electrical system in</p> <p>25 his house, Mr. Cude's house?</p>	<p style="text-align: right;">Page 31</p> <p>1 Q. Okay. And this might give you a -- a marker</p> <p>2 which you can remember at any time. Do you remember</p> <p>3 that there was a -- a hurricane that came through,</p> <p>4 hurricane Harvey in 2017?</p> <p><b>5 A. Yes.</b></p> <p>6 Q. And -- and so hurricane Harvey, do you</p> <p>7 remember how -- how long after hurricane Harvey the fire</p> <p>8 occurred?</p> <p><b>9 A. I'm not sure right off the bat when that storm</b></p> <p><b>10 come through. It's been a few years ago.</b></p> <p>11 Q. Yeah, I understand it's been a few years, but</p> <p>12 do you remember -- between the -- from the storm and</p> <p>13 the -- and the -- and the hurricane, do you remember how</p> <p>14 many years was there or how many months?</p> <p>15 MR. SWALLOW: Let's -- guys, can we just</p> <p>16 take a break real quick? I need to go off the record</p> <p>17 for something.</p> <p>18 MR. SCHAUER: Okay.</p> <p>19 THE VIDEOGRAPHER: The time is 10:40 a.m.</p> <p>20 We are now off the record.</p> <p>21 (Break from 10:40 to 10:41 a.m.)</p> <p>22 THE VIDEOGRAPHER: The time is 10:41 a.m.</p> <p>23 We are now on the record.</p> <p>24 (BY MR. SWALLOW) Mr. Winkfein, do you recall</p> <p>25 how, generally, with -- within a period of months,</p>
<p style="text-align: right;">Page 30</p> <p><b>1 A. No, I didn't.</b></p> <p>2 Q. Okay. Did you -- now, I asked before. You</p> <p>3 were friends with Mr. Cude. I imagine after you</p> <p>4 finished the wiring back in 2011, did y'all see each</p> <p>5 other socially at least after that?</p> <p><b>6 A. Sure.</b></p> <p>7 Q. Okay. Would you have had occasion to visit</p> <p>8 Mr. Cude's residence after that?</p> <p><b>9 A. Yes.</b></p> <p>10 Q. Okay. And were you generally familiar</p> <p>11 with what -- what kind of -- with Mr. -- with Mr. Cude's</p> <p>12 shop, for example, with what -- you know, with his air</p> <p>13 conditioner, heater, that sort of stuff, the things that</p> <p>14 he had in his house?</p> <p><b>15 A. Yes, I could -- I knew about what he had in</b></p> <p><b>16 his house.</b></p> <p>17 Q. Okay. And when -- when would have been the</p> <p>18 last time prior to the fire -- do you remember the date</p> <p>19 of the fire? Why don't we establish that.</p> <p><b>20 A. I think that was 2011.</b></p> <p>21 Q. The fire? I think the wiring was 2011. Do</p> <p>22 you remember when the fire occurred? Let me -- let me</p> <p>23 -- sorry. I believe it was November 19th, 2017. Does</p> <p>24 that sound familiar?</p> <p><b>25 A. That sounds correct.</b></p>	<p style="text-align: right;">Page 32</p> <p>1 maybe, how -- how long after hurricane Harvey that the</p> <p>2 fire at Mr. Cude's residence occurred?</p> <p><b>3 A. I can't tell you right offhand. I don't keep</b></p> <p><b>4 up with dates too much anymore. Getting too old to keep</b></p> <p><b>5 up with yesterday.</b></p> <p>6 Q. I understand. That's -- that's fair. Can you</p> <p>7 tell -- was it a period of months, a period of years? I</p> <p>8 mean, can you generally, can you tell us?</p> <p><b>9 A. I would say it's a period of months.</b></p> <p>10 Q. Okay. All right. And so we'll leave it at</p> <p>11 that.</p> <p>12 And I think I asked you, but let's --</p> <p>13 let's -- let me just follow up on it. Before the --</p> <p>14 before the fire you had visited Mr. Cude's residence.</p> <p>15 Do you remember when -- when that occurred, the last</p> <p>16 time maybe you visited over there?</p> <p><b>17 A. It was around hurricane Harvey. I was there</b></p> <p><b>18 then. I was there several times after that.</b></p> <p>19 Q. Okay. So in the period between hurricane</p> <p>20 Harvey and when the fire occurred, you had been at the</p> <p>21 house several times. How often did you go over there?</p> <p>22 Once a week? Once a month? Any --</p> <p><b>23 A. I would say probably once a month.</b></p> <p>24 Q. Okay. All right. Now, I know he had -- I</p> <p>25 mean, and based on that, did you see anything that</p>

<p style="text-align: right;">Page 33</p> <p>1 concerned you about, you know, what -- what he was doing 2 as it relates to the electrical system?</p> <p><b>3 A. He wasn't doing anything related to the 4 electrical system.</b></p> <p>5 Q. Okay. And not that he was doing work on it, 6 but let's talk about the shop area, for example. Did he 7 have any equipment hooked up in the shop area that 8 concerned you?</p> <p><b>9 A. He had an air compressor hooked up.</b></p> <p>10 Q. Okay. Did he --</p> <p><b>11 A. That was all that was hooked up in that -- his 12 work area at that time. That was protected by a 13 breaker.</b></p> <p>14 Q. How about with regards to his -- his -- his 15 heater or any -- any other appliances in the house, 16 anything that concerned you?</p> <p><b>17 A. No.</b></p> <p>18 Q. Okay. Can you -- can you just briefly explain 19 for the jury in -- in simple terms, if you can, how does 20 an electrical distribution system work?</p> <p><b>21 A. Well, it originates out of the -- well, 22 actually it originates out of a power plant. And that 23 -- those conductors are transmitted to substations that 24 branches off, and just like this panel box, it branches 25 off and goes to different areas of the -- the country or</b></p>	<p style="text-align: right;">Page 35</p> <p><b>1 A. It's not the main, no.</b></p> <p>2 Q. Okay. So it comes out at 7200 volts. And 3 then from there what happens? What is the -- what's --</p> <p><b>4 A. It goes to transformers around the area and 5 then the transformers reduce the voltage to go to a 6 particular residence or a commercial establishment.</b></p> <p>7 Q. Okay. And explain -- explain to us, if you 8 would, explain to the jury what -- what the -- what a 9 transformer does.</p> <p><b>10 A. It reduces the voltage. In this particular 11 case you have a 7200-volts, which is the line side, the 12 primary side. It's got copper windings on the inside. 13 And on this, it reduces it down to 120 -- or 240 or 120 14 so you're neutral. Some -- some of them are -- might be 15 12,000 volts, and some of them you'll come down and 16 reduce it down to 480 volts.</b></p> <p>17 Q. And is -- is a transformer an -- an important 18 piece of equipment in the distribution system?</p> <p><b>19 A. Yes.</b></p> <p>20 Q. Okay. Very -- very important piece of 21 equipment?</p> <p><b>22 A. Very important.</b></p> <p>23 Q. Okay. And -- and explain that a little bit to 24 us. How does -- does it help protect the residence? 25 What -- what are -- what all functions does it perform?</p>
<p style="text-align: right;">Page 34</p> <p><b>1 the city, what have you. That's basically how that 2 works.</b></p> <p>3 Q. Okay. And -- and maybe we can start from 4 the -- are you familiar with the substation for the 5 Arrowhead subdivision?</p> <p><b>6 A. I know where it's at. I've never done no work 7 there.</b></p> <p>8 Q. You've seen it, though.</p> <p><b>9 A. Yes.</b></p> <p>10 Q. Okay. How far is that from Mr. --</p> <p><b>11 A. It's probably about 13 miles.</b></p> <p>12 Q. And so the -- do you know the -- what voltage 13 comes out of the substation?</p> <p><b>14 A. It varies. Most of the conductors that feeds 15 residential usually is 7200-volt line on the primary 16 side.</b></p> <p>17 Q. Okay. And so the -- what we -- from the 18 substation -- what does a substation look like? I may 19 actually have a picture of it here, but tell -- 20 generally, what is a substation, what does it do?</p> <p><b>21 A. It just brings the power from a power plant, 22 it gets distributed throughout the -- the area.</b></p> <p>23 Q. Okay. And so the -- the -- the power comes 24 out of the substation. Does it come out at a reduced 25 voltage? It's not the main transmission line, is it?</p>	<p style="text-align: right;">Page 36</p> <p><b>1 A. Well, you got your primary side that goes in. 2 You got one hot wire, feeds on the top of that 3 transformer. And you've got a ground dead conductor on 4 the other side of that transformer that reduces it to 5 the windings that goes down in this case, 240 volt or 6 120 to ground.</b></p> <p>7 Q. Okay. And I'm going to pull up an 8 illustration here. And this has been marked as Exhibit 9 25, I believe. And this is -- it's called What's On an 10 Electric Power Pole, and I'll represent to you I believe 11 this came off the Internet. But do you think this is a 12 fair and accurate representation of generally what's on 13 a -- a residential area power pole?</p> <p><b>14 A. Yes.</b></p> <p>15 Q. Okay. And there's a -- there's a few 16 components here. We talked about the transformer. What 17 else -- what else is generally on an electrical power 18 pole that's -- that's important?</p> <p><b>19 A. Normally you have the lightning arrestor, then 20 you've got a cutoff which has got a --</b></p> <p>21 THE REPORTER: Would you repeat that 22 whole answer? Normally you have a what?</p> <p><b>23 A. You'll have a lightning protector and you'll 24 have a -- what's called a cutout, and you'll have -- it 25 will be fused on the inside of that cutout.</b></p>

<p>1           THE REPORTER: Thank you.</p> <p>2   Q. (BY MR. SWALLOW) And I'm going to zoom in 3 here, if I can, for the jury. And this says -- we're 4 looking up at the top of the power pole here. Can 5 you -- can you read -- what does -- what does it say 6 about cutouts? Can you read that?</p> <p>7   <b>A. You've got to keep close -- I can't see it.</b></p> <p>8   Q. I got it, up closer. Yes, sir. Let's see if 9 I can get it in a little bit closer for you. Well, hold 10 on one second there. I've got to scroll over. There we 11 go. There you go. Can you read that?</p> <p>12   <b>A. Yes. Cutouts act like a fuse and open when 13 there's a problem with a line or a section of it.</b></p> <p>14   Q. Okay. Would you generally agree with that?</p> <p>15   <b>A. Yes.</b></p> <p>16   Q. Okay. Is a cutout something that's important 17 to have generally on a -- on a power pole for a 18 residence?</p> <p>19   <b>A. All -- all establishments should have those.</b></p> <p>20   Q. In fact, is there a code provision that 21 requires that?</p> <p>22   <b>A. Well, it's -- well, it's protecting that 23 transformer and it's protecting a line for the lineman 24 that works on it. He uses what's called a hot stick and 25 he can open that up and he can work on a transformer if</b></p>	<p>Page 37</p> <p>1 that. It's also bonded to the neutral conductor, or the 2 grounded conductor, and it goes down the pole and it 3 comes down and it's supposed to go into an 8-foot -- or 4 excuse me, five-eighths by 10-foot ground rod, which is 5 normally supposed to be about three foot from the pole.</p> <p>6   Q. Is that an important item as well in the -- in 7 the system?</p> <p>8   <b>A. Yes, it takes -- if you have any fault in 9 that -- that unit right there, it's supposed to take any 10 kind of fault to ground.</b></p> <p>11   Q. Okay. Would that be faults on the supply side 12 as well as the residential side, or -- or how does that 13 work?</p> <p>14   <b>A. It will work on that primary side.</b></p> <p>15   Q. Okay. Can you -- can you explain a little bit 16 about what -- what is it, a self-protected system? Was 17 this a self-protected system?</p> <p>18   <b>A. The one that Walt had was not. It did not 19 have a cutout on it.</b></p> <p>20   Q. When you say the one that Walt had, you're 21 referring to his residence at Vista -- Vista Lane where 22 the fire occurred?</p> <p>23   <b>A. Correct.</b></p> <p>24   Q. Okay. And you're saying the -- the 25 transformer did not have a -- a cutout on it?</p>	<p>Page 39</p>
<p>1   <b>it's faulty.</b></p> <p>2   Q. Okay. How about in a case of a fire? If 3 there's a fire at somebody's residence, does that also 4 give the -- the firemen --</p> <p>5   <b>A. Yes. What that would do, the power company 6 would use what's called a hotstick, it's fiberglass, 7 they'll pull that cutout loose. That -- that takes -- 8 it cuts all the power going to that transformer and it 9 cuts the power going to the residence off.</b></p> <p>10   Q. Okay. So if there was a fire at a residence, 11 that would be something that would be useful for the 12 firemen and the -- the electrical company?</p> <p>13   <b>A. Electric company normally does that.</b></p> <p>14   Q. Can a fireman also do that? Do they have a 15 hotstick?</p> <p>16   <b>A. No, they don't normally carry those.</b></p> <p>17   Q. Okay. So we talked about the lightning 18 arrestor, the transformer, the -- the cutout. What else 19 -- what other important parts are there on a power pole?</p> <p>20   <b>A. That's pretty much it.</b></p> <p>21   Q. How about the ground? Is -- is there a ground 22 on those power poles?</p> <p>23   <b>A. Yes, you got a ground rod or ground wire, 24 which is supposed to be a number 6 ground. It feeds 25 from that transformer, it's bonded to the housing of</b></p>	<p>Page 38</p> <p>1   <b>No, sir. And on top of that, it had a 2 nameplate on it that shows an internal -- internal fuse 3 on the line side and a -- a breaker on the secondary 4 side. The secondary side is the one that feeds into his 5 house.</b></p> <p>6   Q. Okay.</p> <p>7   <b>A. Apparently those did not work. What happened 8 over at Walt Cude's house, you had a surge and there was 9 no way to cut it out. It just kept coming. If you 10 have, like, a lightning storm -- that's for an 11 instance -- it hits your service, it will go to ground 12 and it'll trip the main breaker. You have a surge in a 13 transformer, say, for instance, which that happens 14 occasionally around all areas. It will go to ground and 15 trip that main breaker off. And it's over with in an 16 instant.</b></p> <p>17   <b>In this particular moment here, he had a 18 constant power. That's not made -- these are not made 19 for that -- for a constant current going through that. 20 They're not designed for that, not the panel box or that 21 transformer. That should have tripped and cut the power 22 down.</b></p> <p>23   Q. Okay. Is -- and I just want to go back to my 24 question about the self-protected -- self-protected 25 system. This was something -- and I don't know if it</p>	<p>Page 40</p>

<p>1 was in your report or maybe it was something you had 2 mentioned to me -- but it seemed important, that this 3 being a self-protected system, is that -- is that what 4 this system was or was supposed to be?</p> <p><b>5 A. That's what it's -- according to the nameplate 6 on the transformer, that's what it was.</b></p> <p>7 Q. Okay. And was it, based on what you have 8 observed?</p> <p><b>9 A. Well, it didn't work.</b></p> <p>10 Q. Okay. And that's based on the observation of 11 what -- what occurred?</p> <p><b>12 A. Right.</b></p> <p>13 Q. There was -- there was something else that I 14 think you mentioned to me earlier about a grounded 15 versus a grounding system, and -- and I don't know 16 whether that's significant or not, but can you explain a 17 little bit to the jury. What -- what is that? What's 18 the difference between those two type of systems and how 19 does that --</p> <p><b>20 A. All systems got it. You got a grounding 21 conductor, which is also called a neutral, or a grounded 22 conductor, rather. Then you've got a grounding 23 conductor. The grounding conductor is the one that goes 24 to the ground onto the ground rod. If you have any kind 25 of faults, it's supposed to go directly to ground. That</b></p>	<p>Page 41</p> <p>1 Q. And that goes into a ground rod in the ground. 2 And there's a separate -- there's a separate ground or 3 what's called a -- a neutral wire, I believe?</p> <p><b>4 A. Yes, sir. That's a grounded conductor.</b></p> <p><b>5 That's a return.</b></p> <p>6 Q. Okay.</p> <p><b>7 A. You've got all AC current, goes around and 8 around.</b></p> <p>9 Q. And where does that -- where does that wire go 10 back to? There's an -- and the neutral wire -- can you 11 explain a little bit to the jury on that -- on that 12 illustration -- let me pull the illustration back up 13 there. There's three -- three wires, I believe, at the 14 -- at the top of -- at the top of the -- at the top of 15 the power pole. Which one is the -- the neutral or the 16 grounding conductor? And I'm going to get you a picture 17 here of Mr. Cude's system as well. But can you explain 18 that to the jury from the -- from the illustration up 19 there?</p> <p><b>20 A. You've got three wires. That could be three 21 different circuits that could be feeding somewhere else 22 down the line. You only need one.</b></p> <p>23 Q. Okay. Well, let me -- let me get you -- 24 there -- there you go. Here's a picture of Mr. Cude's 25 residence. Is this -- are you -- are you familiar with</p>
<p><b>1 takes all the fault off the current.</b></p> <p>2 Q. Okay. And what kind of system are we dealing 3 with here? Was it both or is --</p> <p><b>4 A. There's both -- you have -- you've got a 5 grounded -- grounded conductor going -- feeding on the 6 primary side of that fence coming from an AEP, and you 7 got your main power which is 7200 volts. Then on the 8 secondary side you've got 240 volts and 120 to ground.</b></p> <p>9 Q. Okay. And is there -- do you -- do you 10 believe there was a -- where do you think the fault was 11 in this system?</p> <p><b>12 A. I think it was in the pipe triplex, which 13 those are the conductors that are twisted together 14 feeding into Walt's house.</b></p> <p>15 Q. Okay. Does that happen -- does that relate to 16 the grounding versus the grounded conductor?</p> <p><b>17 A. They was all connected together. They -- that 18 started on the -- the conductors and it all bonded 19 together, and you had a constant voltage. That 20 transformer in Walt Cude's panel box is not designed for 21 that kind of return.</b></p> <p>22 Q. Okay. And -- and let me see if I can pull 23 this up. But there's a -- there's the ground that goes 24 down the telephone -- down the telephone pole, correct?</p> <p><b>25 A. Correct.</b></p>	<p>Page 42</p> <p>1 Mr. Cude's residence and the transformer pole there?</p> <p><b>2 A. Yes.</b></p> <p>3 Q. Okay. And if you can explain a little bit for 4 the jury, what are we looking at here? Can you see the 5 picture I've pulled up on the screen?</p> <p><b>6 A. I can.</b></p> <p>7 MR. SCHAUER: John, excuse me. Are -- 8 are you going to make this an exhibit so we can identify 9 it later?</p> <p>10 MR. SWALLOW: I appreciate it, Don, thank 11 you. Thank you for that.</p> <p>12 (BY MR. SWALLOW) This is -- I believe it's 13 Exhibit 19. All right. Can you -- can you explain what 14 we're looking at here, Walt, on Exhibit 19?</p> <p><b>15 A. I'm Bill.</b></p> <p>16 Q. Thank you. Thank you. Thank you, 17 Mr. Winkfein. Thank you, Bill. Can you --</p> <p><b>18 A. There's three conductors that are coming out 19 of that transformer. Those are the secondary side of 20 that transformer. The two on the outside are your hot 21 wires. Each one of them is 120, two ground. Your 22 middle one is your neutral wire, which is a grounded 23 conductor. And those particular wires there, they're 24 corroded. Insulation was falling off of it.</b></p> <p>25 Q. Okay. And is this -- is this -- is this the</p>

<p>1 transformer at Walt -- Walt Cude's -- or Walton Cude's 2 residence, prior residence, at -- at the Vista Lane 3 residence?</p> <p><b>4 A. Yes.</b></p> <p>5 Q. Okay. And if -- what are we looking at here? 6 Is this -- we're looking towards Mr. Cude's residence 7 and towards -- is that correct?</p> <p><b>8 A. I guess so. Yes.</b></p> <p>9 Q. Can you -- can you just explain for the jury, 10 what -- where would Mr. Cude's residence have been on 11 this?</p> <p><b>12 A. That far pole. It's feeding back into 13 Mr. Cude's house.</b></p> <p>14 Q. Okay. And so we're looking -- I'm going to 15 zoom in here on it a little bit. This power pole down 16 the hill, that's -- that would have gone into Mr. Cude's 17 residence?</p> <p><b>18 A. Correct.</b></p> <p>19 Q. Okay. And -- and his service, I guess there 20 would have been a service drop -- if I call that the 21 service pole, is that all right?</p> <p><b>22 A. That's fine.</b></p> <p>23 Q. Okay. And so that would have been the service 24 pole. So in this case it went from the transformer 25 here, down to the service pole, and then there would</p>	<p>Page 45</p> <p>1 think you mentioned there was some -- looked like there 2 was some corrosion, some issues on the -- the 3 connections?</p> <p><b>4 A. Yes.</b></p> <p>5 Q. Okay. And is that -- you're talking about 6 the -- the wire connections here to the -- the 7 transformer?</p> <p><b>8 A. Yes, that's your secondary side.</b></p> <p>9 Q. Okay. And is this -- and this is Exhibit 20. 10 This may be a closer up picture of it. And so I've 11 pulled up Exhibit 20 on the screen. Is that -- is that 12 a closer up picture of those connections?</p> <p><b>13 A. Yes.</b></p> <p>14 Q. Okay. Can you explain to the jury what -- 15 what we're looking at here?</p> <p><b>16 A. There are two wires on your outside, 120 volts 17 apiece. Little wire is your grounding conductor. You 18 go to where the meter, from one side your hotstick; 19 grounded conductor, you'll have 120. You go to both 20 sides of your two hots on the outside, you'll have 240 21 volts. The stack that you got going into that 22 transformer going to that neutral wire, or the grounded 23 conductor, that's what's called a bonding jumper. Then 24 you got a ground on the other side of that transformer 25 which is coming up the pole was bonded to that</b></p>
<p>Page 46</p> <p>1 have been what's called a service drop; is that a 2 correct --</p> <p><b>3 A. That -- that would be the one that's going to 4 Walt Cude's house. That would be a service drop.</b></p> <p>5 Q. Okay. And so where -- where -- in this 6 picture, where would Mr. Cude's been -- house have been 7 in Exhibit 19?</p> <p><b>8 A. It would have been to the left of this pole 9 with this transformer, back down below that.</b></p> <p>10 Q. And I think there's a -- it looks like there's 11 a bit of a foundation or something behind that --</p> <p><b>12 A. That's what's left of it.</b></p> <p>13 Q. (Intelligible) would have been?</p> <p>14 THE REPORTER: You cut out. What was 15 your question?</p> <p>16 Q. (BY MR. SWALLOW) Okay. I'm looking off to 17 the left side of the picture, Mr. Winkfein. It looks 18 like there's a foundation or a pad down there to the 19 left behind that tree. Is that where Mr. Cude's 20 residence was prior -- previously located?</p> <p><b>21 A. Correct.</b></p> <p>22 Q. Is there -- and -- and you can't see it real 23 well in this picture, but is there a -- well, forget 24 about that for now. Okay.</p> <p>25 Going back to the transformer here, I</p>	<p>Page 48</p> <p><b>1 transformer.</b></p> <p>2 Q. And so that ground -- both that -- that -- 3 that connection -- what was that -- what did you call 4 the connection there, a --</p> <p><b>5 A. Bonding -- bonding jumper.</b></p> <p>6 Q. A bonding jumper, okay. And that -- that -- 7 that's an important piece of -- of the system as well?</p> <p><b>8 A. Yes.</b></p> <p>9 Q. Okay. And all these -- all these pieces have 10 to work together; otherwise, you have a -- you can end 11 up with a fault in the system and --</p> <p><b>12 A. You can.</b></p> <p>13 Q. All right. I want to go back to Exhibit 19 14 real quick. And if you can, explain to the jury. I'm 15 going to -- I want to zoom in on the bottom of the 16 picture here a little bit. And down here at the 17 bottom -- let me move this out of the way. There -- you 18 can see these three wires. They connect. One 19 connects -- you said there's the two hots, right, and 20 then there's that middle -- middle wire. What does that 21 connect to there?</p> <p><b>22 A. That's going to a grounding conductor -- 23 grounded conductor. That's a neutral wire rather.</b></p> <p>24 Q. The neutral wire. Can you explain to the jury 25 what that does or where that goes?</p>

<p style="text-align: right;">Page 49</p> <p><b>1 A. That goes back to that pole and goes into Walt Cude's home.</b></p> <p>3 Q. Okay. Did that play -- in your opinion, did 4 that play a part in -- in -- in the -- the accident, the 5 incident, the fire?</p> <p><b>6 A. That could've had a part of it, but the main cause was the triplex feeding from that power pole going into Walt Cude's house. That's where it actually started.</b></p> <p>10 Q. Okay. And we'll get to the triplex.</p> <p>11 Is -- is it -- if that ground -- did 12 you call it grounding conductor, the -- the neutral 13 wire?</p> <p><b>14 A. That was a grounded conductor.</b></p> <p>15 Q. Grounded.</p> <p><b>16 A. Grounding conductor is a ground that goes down to ground to your ground rod.</b></p> <p>18 Q. Okay. If the system's grounding conductor had 19 not been there or had been defective, would the grounded 20 conductor have protected the -- by itself, protected the 21 residence by itself?</p> <p><b>22 A. No.</b></p> <p>23 Q. So you need both of those systems to work 24 together?</p> <p><b>25 A. Yes.</b></p>	<p style="text-align: right;">Page 51</p> <p>1 photograph here -- I know you didn't take the 2 photograph, you weren't able to get up on the pole. But 3 do you believe this fairly and accurately represents the 4 condition of the equipment at --</p> <p><b>5 A. Yeah.</b></p> <p>6 Q. Okay. And how about the same goes for -- let 7 me -- let me go back to -- this -- that was Exhibit 19. 8 Let me see if I can put up -- well, Exhibit 20. Same 9 question for Exhibit 20: Do you believe that fairly and 10 accurately represents the condition of the equipment at 11 Walt Cude's house?</p> <p><b>12 A. Yes.</b></p> <p>13 Q. Okay. And I don't know if I asked you, but 14 Exhibit 20, is that -- is that the transformer that's 15 located at Walt -- Walton Cude's residence or former 16 residence on Vista Lane?</p> <p><b>17 A. Yes.</b></p> <p>18 Q. I want to go back to Exhibit 18. As part of 19 your investigation, did you also look at the ground wire 20 on the transformer pole?</p> <p><b>21 A. Yes. It looked like it was all corroded up.</b></p> <p><b>22 It was the wrong size --</b></p> <p>23 Q. Okay.</p> <p><b>24 A. -- conductor.</b></p> <p>25 Q. Can you tell the jury, is this -- is the</p>
<p style="text-align: right;">Page 50</p> <p>1 Q. And why is that?</p> <p><b>2 A. Your grounding conductor is a return. A grounded conductor takes any kind of fault to ground. 4 Do you have any fault -- say, for instance, in your 5 house, you have a -- a coffeemaker.</b></p> <p>6 Q. Yes, sir.</p> <p><b>7 A. When that malfunctions, well, that's gone to a breaker inside your panel box. When it malfunctions, 9 that goes to ground. It takes it back to the -- to 10 ground outside and it also trips the breaker where there 11 would be no more power going to that item.</b></p> <p>12 Q. So if -- if both of those -- if one of 13 those systems wasn't working, that -- that could have at 14 least contributed or caused the -- the incident, the 15 fire, in your opinion.</p> <p><b>16 A. Yes.</b></p> <p>17 Q. Okay. And I want to pull up real quickly -- 18 this is going to be Exhibit 18. And you know what? 19 Before I do that, hold on one second.</p> <p>20 You're familiar with -- I think I asked 21 you this before, but you're familiar with Walton -- Walt 22 Cude's residence there, the former residence at Vista 23 Lane, correct?</p> <p><b>24 A. Correct.</b></p> <p>25 Q. Do -- do you believe this -- this -- this</p>	<p style="text-align: right;">Page 52</p> <p>1 ground wire on Walton Cude's transformer pole?</p> <p><b>2 A. Yes.</b></p> <p>3 Q. Okay. And -- and do you believe this 4 photograph, Exhibit 18, does that fairly and accurately 5 represent the condition of the ground wire as it exists?</p> <p><b>6 A. Yes.</b></p> <p>7 Q. Okay. How about at the time of the incident? 8 Do you -- had you observed the ground wire at the -- at 9 the time of the incident or shortly thereafter?</p> <p><b>10 A. It was after.</b></p> <p>11 Q. And how -- how long after?</p> <p><b>12 A. It was probably a few days after the fire was 13 already out and we started looking around and we come 14 across that.</b></p> <p>15 Q. Okay. But you believe that the photograph at 16 least -- does it -- does it accurately, fairly and 17 accurately represent the condition of the ground wire at 18 the time of the fire or shortly thereafter?</p> <p><b>19 A. Yes, it was there.</b></p> <p>20 Q. And this is -- and I brought -- I wanted to 21 bring this up right now. And we'll get back to -- we'll 22 get back to -- to talking about the -- the fire a little 23 bit later. But this is the grounding or grounded 24 conductor? This is -- can you select --</p> <p><b>25 A. This is the grounding conductor.</b></p>

<p>1     Q. Okay. So this is another -- this is that 2 second ground or second -- second part of the system 3 that's -- that's important?</p> <p><b>4     A. Correct.</b></p> <p>5     Q. Okay. And while we're here, you mentioned 6 it's corroded. Anything else about the -- the ground 7 wire that -- that you -- you thought was a problem?</p> <p><b>8     A. Well, it should have been a number 4 wire, 9 actually. Here's the difference. Here's a number 8 10 wire and this is a number 4 gauge wire. AEP requires to 11 have a number 4 gauge wire at a residence, but yet they 12 not -- they don't use a number 4 gauge wire on theirs.</b></p> <p>13     Q. Okay.</p> <p><b>14     A. Can you tell the difference in the sizes?</b></p> <p>15     Q. Can you hold that up to the camera so the jury 16 can see that? A little bit higher, Mr. Winkfein. There 17 you go. Okay.</p> <p>18           What's the -- what's the difference 19 between a 4 -- those are a 4 and an 8?</p> <p><b>20     A. Yes.</b></p> <p>21     Q. Okay. And so which one was required? A 22 little bit higher if you can. Which one was required to 23 be on the pole?</p> <p><b>24     A. It should have been a number 4 which is this 25 one.</b></p>	<p>Page 53</p> <p>1     MR. SWALLOW: About five minutes, yeah. 2     THE VIDEOGRAPHER: Okay. The time is 3 11:10 a.m. and we are now off the record. 4           (Break from 11:10 to 11:20 a.m.) 5     THE VIDEOGRAPHER: The time is 11:20 a.m. 6 We are now on the record. 7     Q. (BY MR. SWALLOW) Mr. Winkfein, we were 8 looking at some pictures of transformers and we were 9 talking about the -- the electrical transmission system 10 for the -- for the Arrowhead neighborhood or for -- for 11 a, you know, residential neighborhood in general. 12 Who -- who is responsible for maintaining the electrical 13 system?</p> <p><b>14     A. AEP.</b></p> <p>15     Q. And is that -- in this case, who is AEP?</p> <p><b>16     A. American Electric.</b></p> <p>17     Q. Are they -- yeah. And are they -- are they -- 18 are they what's referred to as the service provider or 19 what --</p> <p><b>20     A. Well, you can use different providers. You 21 can use AEP as your provider, you can use TXU as a 22 provider, but the one that maintains the lines is AEP.</b></p> <p>23     Q. AEP is the -- the company that maintains the 24 lines at the Arrowhead subdivision?</p> <p><b>25     A. Correct.</b></p>
<p>Page 54</p> <p>1     Q. Okay. And I'm just eyeballing it here, but it 2 looks like a number 8 is about half the size of a number 3 4?</p> <p><b>4     A. Pretty much.</b></p> <p>5     Q. Okay. And so the -- the wire that was on 6 the -- on the AEP transformer pole, the one that you 7 observed following the fire, following the incident, 8 it --</p> <p><b>9     A. It looked like this gauge right here.</b></p> <p>10     Q. A number 4 -- 4 gauge. Okay. And in your 11 opinion, that's inadequate.</p> <p><b>12     A. That's inadequate.</b></p> <p>13     Q. Okay. Any -- any other problems with that -- 14 with the ground wire? It looks it -- like it's 15 corroded. You mentioned corrosion, it's too small. 16 Anything else? It looks like it's almost caked there. 17 Do you see that?</p> <p><b>18     A. I have seen it. That's not good either.</b></p> <p>19     Q. Okay.</p> <p>20           MR. SWALLOW: Okay. I think if y'all 21 don't mind, can we take a quick break and we'll continue 22 our -- our questioning, if you give me about five 23 minutes? Does that work for everybody?</p> <p><b>24     THE WITNESS: Sounds good to me.</b></p> <p>25     MR. SCHAUER: Five minutes? Okay.</p>	<p>Page 56</p> <p>1     Q. And AEP is the company responsible for -- that 2 was responsible for maintaining the lines on Vista 3 Lane --</p> <p><b>4     A. Yes.</b></p> <p>5     Q. -- at Walton Cude's residence?</p> <p><b>6     A. Correct.</b></p> <p>7     Q. Okay. Now, y'all -- you live in the Arrowhead 8 subdivision. I understand that you -- you recently took 9 a tour around the subdivision, looked at some of the 10 installations there, some of the maintenance by AEP; is 11 that correct?</p> <p><b>12     A. Correct.</b></p> <p>13     Q. Okay. I just want to talk about that a little 14 bit, if you don't mind. I'm going to pop up on the 15 screen here. It's been labeled Exhibit 3. And is 16 this -- is this a picture that you took?</p> <p><b>17     A. I don't take pictures. Walt -- Walt -- Walt 18 took the pictures.</b></p> <p>19     Q. I understand. Is this a picture that Walt 20 took, then?</p> <p><b>21     A. Yes.</b></p> <p>22     Q. Okay. And were you with Walt when he took 23 this picture?</p> <p><b>24     A. Yes.</b></p> <p>25     Q. Okay. And why did y'all take this picture?</p>

<p>1 What -- what were y'all trying to show here?</p> <p><b>2 A. What we were trying to get at is how AEP does</b></p> <p><b>3 not maintain their equipment.</b></p> <p>4 Q. Okay. And is this what -- this is a -- a</p> <p>5 piece of AEP equipment here in Exhibit 3?</p> <p><b>6 A. Yes.</b></p> <p>7 Q. Is this -- where is this located?</p> <p><b>8 A. It's on Vista Drive. There's a lot of Vistas</b></p> <p><b>9 out here.</b></p> <p>10 Q. Are they -- how -- how far is it from</p> <p>11 Mr. Cude's residence?</p> <p><b>12 A. Probably a mile, if that much.</b></p> <p>13 Q. Okay. This would be the same general service,</p> <p>14 electrical service that -- that was servicing Mr. Cude's</p> <p>15 residence at the time of the fire?</p> <p><b>16 A. It could have been. You got -- like I said</b></p> <p><b>17 before, you've got branch circuits like in that panel</b></p> <p><b>18 box.</b></p> <p>19 Q. Uh-huh.</p> <p><b>20 A. Out of those substations, it's branched off to</b></p> <p><b>21 different areas. Because you can only use one wire for</b></p> <p><b>22 so many transformers. Then you've got to use another</b></p> <p><b>23 line. I don't know if this is the particular line</b></p> <p><b>24 feeding into Walt Cude's house or -- or not.</b></p> <p>25 Q. Okay. And generally, though, you think this</p>	<p>Page 57</p> <p>1 this. And let me see if I can find a picture of a</p> <p>2 transformer with a cutout. Here is another transformer.</p> <p>3 This is Exhibit 4. Is this another one</p> <p>4 of the pictures you took?</p> <p><b>5 A. Walt Cude took this picture.</b></p> <p>6 Q. Okay, sorry. Thank you. Is this another of</p> <p>7 the pictures that Walt took --</p> <p><b>8 A. Yes.</b></p> <p>9 Q. Okay. And were you with Walt when he took</p> <p>10 this picture?</p> <p><b>11 A. Yes.</b></p> <p>12 Q. Do you recall where this -- this picture was</p> <p>13 taken?</p> <p><b>14 A. It's around this area, within a mile radius.</b></p> <p>15 Q. All right. And does this picture -- in this</p> <p>16 case, does the transformer here have a cutout?</p> <p><b>17 A. Yes, it does.</b></p> <p>18 Q. Okay. For the cutout to function, does each</p> <p>19 individual residence have to have a cutout?</p> <p><b>20 A. Yes.</b></p> <p>21 Q. All right. Go ahead.</p> <p><b>22 A. On these transformers, they should all have</b></p> <p><b>23 cutouts on them.</b></p> <p>24 Q. Okay. Does this fairly -- does this</p> <p>25 photograph, Exhibit 4, fairly and accurately represent</p>
<p>Page 58</p> <p>1 fairly and accurately represents the -- you know, the</p> <p>2 condition of this transformer at least at the present</p> <p>3 time?</p> <p><b>4 A. Yes.</b></p> <p>5 Q. Okay. How about at the time of the fire? I</p> <p>6 mean, is generally -- is the condition electrical</p> <p>7 system, the grid system in the Arrowhead subdivision,</p> <p>8 generally about the same as it was at the time of the</p> <p>9 fire?</p> <p><b>10 A. It's still the same.</b></p> <p>11 Q. Okay. And I have another question for you. I</p> <p>12 remember there was -- in AEP, in some of its discovery</p> <p>13 responses, they talked about a -- a cutout that was at</p> <p>14 Buffalo Street. Did y'all do any investigation on that?</p> <p><b>15 A. Some of the houses had cutouts, but some of</b></p> <p><b>16 them did not have cutouts.</b></p> <p>17 Q. Okay. And at the time of the -- at the time</p> <p>18 of the incident, was there a cutout for Mr. Cude's</p> <p>19 residence?</p> <p><b>20 A. No.</b></p> <p>21 Q. Okay. And there wouldn't have been a cutout</p> <p>22 anywhere on -- that you're aware of in this subdivision</p> <p>23 that would have cut out the power to his residence?</p> <p><b>24 A. No.</b></p> <p>25 Q. Okay. All right. So if -- and let me ask you</p>	<p>Page 60</p> <p>1 the condition of the -- the transformer and the -- the</p> <p>2 power lines here that -- that y'all observed?</p> <p><b>3 A. We observed those -- that particular</b></p> <p><b>4 transformer here is -- I'd say today it's all rusted</b></p> <p><b>5 with no rim. It should be replaced. That pole needs to</b></p> <p><b>6 be replaced, too. It looks like it's rotten also.</b></p> <p>7 Q. And here -- here -- this is Exhibit 5. This</p> <p>8 is another -- is this another one of the pictures that</p> <p>9 you and Mr. Cude took?</p> <p><b>10 A. Yes.</b></p> <p>11 Q. On -- in this case, does this fairly and</p> <p>12 accurately represent what y'all observed?</p> <p><b>13 A. Yes.</b></p> <p>14 Q. Okay. And in this case, there's no -- am I</p> <p>15 correct in stating that there's no cutout?</p> <p><b>16 A. There's no cutout.</b></p> <p>17 Q. Okay. Any other observations on this</p> <p>18 photograph?</p> <p><b>19 A. The transformer's rusted to no end. It should</b></p> <p><b>20 have been -- should be replaced.</b></p> <p>21 Q. Is this an active service connection?</p> <p><b>22 A. Yes.</b></p> <p>23 Q. How about this one? This -- this is Exhibit</p> <p>24 6. Is this another picture y'all took in the Arrowhead</p> <p>25 subdivision?</p>

<p>1   <b>A. Yes.</b></p> <p>2   Q. And does this fairly and accurately represent 3 what you observed?</p> <p>4   <b>A. Yes.</b></p> <p>5   Q. Any -- any comments on this? What were y'all 6 trying to show with this picture?</p> <p>7   <b>A. This transformer needs to be replaced. It is 8 rusted, and AEP is supposed to take care of any kind of 9 trees or bushes or anything that goes up around these 10 poles. They're supposed to keep it clear from them, and 11 they have not done that.</b></p> <p>12   Q. Okay. And again, this -- is this -- this is 13 an active service connection?</p> <p>14   <b>A. Yes.</b></p> <p>15   Q. How about this one here? Is this -- is this 16 another picture that you and Walt took in the 17 neighborhood?</p> <p>18   <b>A. Yes.</b></p> <p>19   Q. Does this fairly and accurately represent what 20 you observed?</p> <p>21   <b>A. Yes.</b></p> <p>22   Q. And what -- what are we -- what are we looking 23 at here?</p> <p>24   <b>A. You've got another one rusted. The whole top 25 of that transformer is about to come off. And that does</b></p>	<p>Page 61</p> <p>1 wanted to show an example of a service drop. And is 2 this another picture that y'all took from -- around -- 3 Exhibit 10, around the Arrowhead subdivision?</p> <p>4   <b>A. Yes.</b></p> <p>5   Q. Okay. You think this fairly and accurately 6 represents what you observed?</p> <p>7   <b>A. Yes.</b></p> <p>8   Q. Okay. And what -- what are we looking at 9 here?</p> <p>10   <b>A. We've got too much play in that line. It's -- 11 excuse me -- it should be a little bit tighter up to 12 that pole. It's drooping.</b></p> <p>13           THE REPORTER: Excuse me. Can you repeat 14 that answer? "And what are we looking at here?"</p> <p>15   <b>A. We're looking at triplex coming from AEP's 16 pole.</b></p> <p>17           THE REPORTER: I'm sorry. I still didn't 18 understand. "We're looking at five?"</p> <p>19   <b>A. You're looking at a triplex. That's what 20 these conductors are called. It's coming from AEP's 21 power pole and it's feeding the residence. You've got 22 too much droop in that line; you don't need that much.</b></p> <p>23           MR. SWALLOW: Okay. And -- and I think 24 the term, Madam -- the court reporter referenced was -- 25 triplex? Is that the right way to pronounce that?</p>
<p>1   <b>not have a cutout over that either.</b></p> <p>2   Q. Okay. And we're also missing a cutout. Okay. 3           And this is Exhibit 7. I got a -- I 4 think this -- Exhibit 8, is this the same as Exhibit 7, 5 same -- same transformer, I mean?</p> <p>6   <b>A. Yes.</b></p> <p>7   Q. Okay. Just a close-up of it. How about this 8 one, is this -- this is Exhibit 9. Is this the same 9 transformer as Exhibit 7 and 8?</p> <p>10   <b>A. I think this is a different transformer.</b></p> <p>11   Q. This is a different one? Okay. And does this 12 fairly and accurately represent what y'all observed out 13 there?</p> <p>14   <b>A. Correct.</b></p> <p>15   Q. And this is -- this is located also in the -- 16 in the Arrowhead subdivision?</p> <p>17   <b>A. Correct.</b></p> <p>18   Q. And on -- is this -- is this another active 19 service connection?</p> <p>20   <b>A. Correct.</b></p> <p>21   Q. Now, before we talked a little bit -- this 22 is -- I pulled up here Exhibit 10. Before we talked a 23 little bit about a service drop and I didn't want to 24 show the jury -- since we weren't able to see the -- the 25 service drop for Walt's house because it's burnt down, I</p>	<p>Page 62</p> <p>1   <b>A. Yes.</b></p> <p>2   Q. And what -- what is triplex? Is this the -- 3 what you're talking about is the wire kind of in the 4 middle of the picture here; is that what we're looking 5 at?</p> <p>6   <b>A. Yeah, correct.</b></p> <p>7   Q. Okay. And can you explain for the jury what 8 triplex is?</p> <p>9   <b>A. It's three conductors. You've got two 10 insulated, which are your power conductors. The third 11 one is the noninsulated conductor, which is your 12 grounded conductor.</b></p> <p>13   Q. Okay. And this is the same -- same sort of 14 connection that -- that Walton -- that Walt Cude would 15 have had at his house over on Vista Lane?</p> <p>16   <b>A. Yes.</b></p> <p>17   Q. Okay. Do you know where this was taken?</p> <p>18   <b>A. It was just around our area.</b></p> <p>19   Q. All right. Was it in the Vista -- or the 20 Arrowhead subdivision, though?</p> <p>21   <b>A. Yes.</b></p> <p>22   Q. This one does not appear to have an exhibit 23 number on it. I believe this is -- hold on a second. 24 There we go. That one does. Exhibit 11. Is this 25 another one of the pictures y'all took out by the</p>

<p>1 Arrowhead subdivision?</p> <p><b>2 A. Correct.</b></p> <p>3 Q. Okay. Do you remember where this was located?</p> <p><b>4 A. Just around this area.</b></p> <p>5 Q. Okay. Somewhere near -- near Mr. Cude's house, though?</p> <p><b>7 A. Correct.</b></p> <p>8 Q. And what are we -- what did we observe here?</p> <p>9 What did you observe? Why did y'all take this picture?</p> <p><b>10 A. Well, the -- the braces for the line conductors, those are all rotten. The supports for it's all rotten. That pole is rotten. It's about to fall down.</b></p> <p>14 Q. Okay. There's actually some cutouts on this pole, right?</p> <p><b>16 A. We had to cut -- we had to cut the power off of that main line.</b></p> <p>18 Q. Those are actually cutouts for the main line, then.</p> <p><b>20 A. Yes.</b></p> <p>21 Q. Okay. Do you know -- do you know if there was any cutouts on the main line to Walt -- Walt Cude's residence at the fire?</p> <p><b>24 A. I did not see none.</b></p> <p>25 Q. Okay. So this would be another way, if there</p>	<p>Page 65</p> <p>1 MR. SWALLOW: I can do that, yes. Yeah,</p> <p>2 I'd be happy to do that. Yeah.</p> <p>3 THE REPORTER: Okay, great.</p> <p>4 MR. SWALLOW: I don't have to say it like</p> <p>5 that, but, yeah, I can make that happen. Sure. Let</p> <p>6 me -- let me hit save real quick. Okay. I can do that.</p> <p>7 THE REPORTER: Okay.</p> <p>8 (BY MR. SWALLOW) I've got a couple more and</p> <p>9 then -- and then we'll move on here, Mr. Winkfein. I</p> <p>10 appreciate your patience, but is this another one of the</p> <p>11 pictures y'all -- y'all took?</p> <p><b>12 A. Yes.</b></p> <p>13 Q. And -- and do you remember where this one is located?</p> <p><b>15 A. Just around this area.</b></p> <p>16 Q. And this -- this one is Exhibit 12. What were you trying to show here?</p> <p><b>18 A. They're not -- AEP's not taking care of the conductors correctly. There should be no kind of growth whatsoever on these lines.</b></p> <p>21 Q. And this -- this fairly and accurately represents what y'all observed when -- the power lines?</p> <p><b>23 A. Yes.</b></p> <p>24 Q. I believe this is Exhibit 13. Can you tell us what we're looking at here?</p>
<p>1 was a fault in the system, that they could cut the power?</p> <p><b>3 A. Yes.</b></p> <p>4 Q. And the -- the -- for the jury here, the cutouts are these --</p> <p>6 MR. SWALLOW: Can I -- can I highlight on this, if I highlighted on this? Madam Court Reporter, if I highlight on this, is that okay?</p> <p>9 THE REPORTER: Yes.</p> <p>10 Q. (BY MR. SWALLOW) I'm going to draw three -- just -- just -- maybe just one is enough. But do you see where I just drew a -- a circle around there?</p> <p><b>13 A. Yes.</b></p> <p>14 Q. Is that the cutout?</p> <p><b>15 A. Yes.</b></p> <p>16 Q. And there's -- there's another one up here?</p> <p><b>17 A. Right.</b></p> <p>18 Q. Okay. And then there's another one here. All right.</p> <p>20 Real quick, does this fairly and accurately represent what y'all observed?</p> <p><b>22 A. Yes.</b></p> <p>23 Q. And that...</p> <p>24 THE REPORTER: All right. Are you going to send that to me now with the circles on it?</p>	<p>Page 66</p> <p>1 A. You're looking at the insulation on your conductors are falling off. They're exposed. They should not be exposed. Those conductors there should be replaced.</p> <p>5 Q. Okay. And so y'all had --</p> <p><b>6 A. That's a hazard.</b></p> <p>7 Q. And so you're looking -- we talked about insulation a little bit earlier. For the jury, the -- the -- you're talking about on the black wires, you can see some cracking?</p> <p><b>11 A. Yeah.</b></p> <p>12 Q. Okay. I can zoom in a little bit there. Is that -- is that what you're referring to?</p> <p><b>14 A. Yes.</b></p> <p>15 Q. Okay. And -- and this -- did you and Mr. Cude take this picture recently?</p> <p><b>17 A. Yes.</b></p> <p>18 Q. And this is Exhibit 13, and does that fairly and accurately represent what you observed?</p> <p><b>20 A. Yes.</b></p> <p>21 Q. Okay. This is Exhibit 14 I've pulled up for you. Is this another one of the pictures y'all took?</p> <p><b>23 A. Yes.</b></p> <p>24 Q. And is this of the Arrowhead subdivision?</p> <p><b>25 A. Yes.</b></p>

	Page 69		Page 71
1    Q. And what are we looking at here?		1    Q. In fact, who's responsible for inspecting the	
2 <b>A. A burnt pole.</b>		2 electrical boxes and electrical --	
3    Q. Okay. Any idea what might have caused that?		3 <b>A. Well, I inspected this myself. Well, I</b>	
4 <b>A. Power line would be more my guess.</b>		4 installed it myself. As far as having an official come	
5    Q. Okay. And, again, this is -- this is near --		5 out here, there is no electrical inspector that comes	
6 how far do you think this is from Mr. Cude's former		6 out to this area. Corpus Christi has got electrical	
7 residence on Vista Lane?		7 inspectors. George West has got electrical inspectors.	
8 <b>A. It's within a mile radius.</b>		8 Jim Wells in town has got their electrical inspectors.	
9    Q. Okay. Does this fairly and accurately		9 They do not have one out here.	
10 represent the power pole -- the conditions that you		10    Q. Okay. So there's no requirement that you call	
11 observed?		11 the city or the county to come out and inspect this when	
12 <b>A. Yes.</b>		12 you did the installation?	
13    Q. I want to go back real quick to Exhibit 2,		13 <b>A. Right.</b>	
14 which was the -- the power box. Can you see that on		14    Q. There's no requirement of a permit?	
15 your screen?		15 <b>A. No.</b>	
16 <b>A. Yes.</b>		16    Q. Is the master electrician who does the	
17    Q. Okay. I didn't ask this before. Does this		17 installation actually the person who's supposed to	
18 fairly and accurately represent -- I think I did ask		18 inspect it? Is that correct?	
19 what the condition of the -- the power box at the		19 <b>A. That's correct.</b>	
20 time -- I guess back in 2011 when you completed the		20    Q. And who was that?	
21 installation; is that correct?		21 <b>A. Me, myself.</b>	
22 <b>A. Correct.</b>		22    Q. So as far as you're concerned, you complied	
23    Q. Okay. Did -- did you -- and we were talking		23 when you did the installation, when you did the	
24 about the Arrowhead subdivision recently. And can you		24 upgrades?	
25 describe -- is Arrowhead a fairly rural area? What --		25 <b>A. It's up to NEC standards, National Electric</b>	
	Page 70		Page 72
1 <b>A. It's a rural area.</b>		1 <b>Code.</b>	
2    Q. Okay. And you mentioned earlier that -- that		2    Q. How about the county, county rules and	
3 y'all live in Sandia. Do you actually live in Sandia or		3 regulations?	
4 outside of Sandia?		4 <b>A. It's correct; it's up to their standards and</b>	
5 <b>A. Well, that -- that's a weird setup there. We</b>		5 <b>AEP standards.</b>	
6 live in Live Oak County, but we've got a Jim Wells zip		6    Q. Okay. Thank you.	
7 code. That don't make sense, but that's how it's set up		7        I want to go back real quick. We were	
8 out here. We've got a Sandia in Jim Wells County and		8 talking about the Arrowhead subdivision. It's kind of a	
9 then they call this out here Sandia also.		9 rural area?	
10    Q. Okay. And is the Arrowhead subdivision		10 <b>A. Right.</b>	
11 actually an unincorporated area or an unincorporated		11    Q. Okay. How would you compare it, you know,	
12 subdivision?		12 to -- or -- or what is your opinion regarding the state	
13 <b>A. It's unincorporated.</b>		13 of the electrical system in the Arrowhead subdivision at	
14    Q. It is?		14 the time of the incident -- incident?	
15 <b>A. It's not -- it's unincorporated.</b>		15 <b>A. Arrowhead's -- this area out here, it's rural</b>	
16    Q. Unincorporated, right. And what does that		16 and they don't maintain their equipment. You go into	
17 mean? Can you explain for the jury what that means?		17 <b>Corpus Christi and they maintain their equipment.</b>	
18 <b>A. Well, there's no inspections to speak of. The</b>		18    Q. Okay. And so in comparing it to Corpus	
19 only inspections that actually comes out to this area is		19 Christi or other -- other subdivisions, what -- what --	
20 the health department.		20 what are your thoughts on that?	
21    Q. Okay. And so when you installed the -- the --		21 <b>A. We'd be a 1; Corpus Christi would be a 10.</b>	
22 the power box, the service at Walt Cude's house back in		22    Q. And what -- what you're saying is it's just	
23 2011, did you need to get a permit from anybody to do		23 not as well maintained?	
24 that?		24 <b>A. Correct.</b>	
25 <b>A. No. There was no inspection out here.</b>		25    Q. Bill, I want to talk a little bit about the	

<p>1 investigation you did after the fire, and in particular,      2 for this case. Can you -- can you tell the jury a      3 little bit about how you went about investigating?  <b>4 A. I looked at the area around Walt Cude's house.</b>  <b>5 I found a bunch of melted triplex on his driveway. And</b>  <b>6 he had a bend over on his weatherhead. It used to have</b>  <b>7 a triplex which was attached to it, and it was burnt in</b>  <b>8 half and later on it come up missing. I don't know</b>  <b>9 where it went, have no idea about that.</b>  <b>10 Q. Okay. I'm going to pull up what's been marked</b>  <b>11 as Exhibit 15 here. Can you see that on your screen?</b>  <b>12 Are you able to see Exhibit 15 there, Bill?</b>  <b>13 A. I -- I see it, yes.</b>  <b>14 Q. Okay. All right. Is this Mr. Cude's</b>  <b>15 residence at 1110 Vista 10 Lane after the fire?</b>  <b>16 A. Correct.</b>  <b>17 Q. Did you take this picture?</b>  <b>18 A. I don't take pictures.</b>  <b>19 Q. All right. Do you know who took this picture?</b>  <b>20 A. Walt Cude.</b>  <b>21 Q. All right. Do you believe -- does this picture</b>  <b>22 fairly and accurately represent the -- you know, the</b>  <b>23 residence after -- after the fire?</b>  <b>24 A. Yes.</b>  <b>25 Q. Okay. And you can actually -- I believe you</b> </p>	<p>Page 73</p> <p>1 look at here?  <b>2 A. It was burnt in half, which it originated out</b>  <b>3 in the middle of Walt Cude's residence, and that's all</b>  <b>4 that was left of it at the time. But a few days later</b>  <b>5 on that -- that particular -- that triplex, what's left</b>  <b>6 of it came up missing. I don't know what happened to</b>  <b>7 it.</b>  <b>8 Q. Okay. And are you talking about the black</b>  <b>9 stuff here in --</b>  <b>10 A. Right.</b>  <b>11 Q. Okay. And what -- you observed that -- you</b>  <b>12 said you observed and it was -- what -- what was the</b>  <b>13 term you used?</b>  <b>14 A. It was burnt in half. It was just hanging</b>  <b>15 there. And it was there and then it come up missing.</b>  <b>16 Q. Uh-huh.</b>  <b>17 A. I don't know what happened to it. I have no</b>  <b>18 idea.</b>  <b>19 Q. I think you had -- you had said it was fused;</b>  <b>20 is that correct?</b>  <b>21 A. The conductors was bonded together, melted</b>  <b>22 together.</b>  <b>23 Q. And you're talking -- the conductors, you're</b>  <b>24 talking about the triplex?</b>  <b>25 A. Yes.</b> </p>
<p>Page 74</p> <p>1 can see some -- still see some smoke in there. Do you      2 know when this picture was taken?  <b>3 A. I think it'd be at least two or three days</b>  <b>4 after that. The fire department had to keep going --</b>  <b>5 coming out and burning -- or putting out embers.</b>  <b>6 Q. Okay. Were you with Walt when he took this</b>  <b>7 picture?</b>  <b>8 A. No.</b>  <b>9 Q. Okay. But would you agree that it fairly and</b>  <b>10 accurately represents the condition of the -- you know,</b>  <b>11 the residence and the scene --</b>  <b>12 A. Yeah.</b>  <b>13 Q. -- after -- okay -- a few days after the fire?</b>  <b>14 I want to zoom in here real quick. You</b>  <b>15 were talking about the triplex and the weatherhead you</b>  <b>16 observed. If I zoom in here, is this what you're</b>  <b>17 talking about?</b>  <b>18 A. Yes.</b>  <b>19 Q. Can you see that? Okay. Can you explain to</b>  <b>20 the jury what we're looking at? It looks like there's a</b>  <b>21 T post and then maybe kind of a -- a spiral staircase.</b>  <b>22 And then to the right of that, what -- what are we --</b>  <b>23 what are we --</b>  <b>24 A. It's the triplex that was burnt.</b>  <b>25 Q. Okay. Anything in particular that we need to</b> </p>	<p>Page 76</p> <p>1 Q. Okay. And so the triplex wire is the -- the      2 wire that would have been -- the service drop from the      3 AEP pole to the residence?  <b>4 A. Yes.</b>  <b>5 Q. Okay. And you observed -- tell us what you</b>  <b>6 observed. On the driveway, I think you said you</b>  <b>7 observed that that --</b>  <b>8 A. I seen some melted aluminum. I seen some</b>  <b>9 triplex that was melted. I seen what was left of Walt</b>  <b>10 Cude's truck, because the triplex coming from AEP's</b>  <b>11 transformer was still energized and it melted Walt</b>  <b>12 Cude's truck down to the ground where there was nothing</b>  <b>13 left of it.</b>  <b>14 Q. And what's the significance of the triplex</b>  <b>15 having been melted together? What did -- what did that</b>  <b>16 indicate to you?</b>  <b>17 A. They told me that the fuse on the transformer</b>  <b>18 and the breaker, according to that nameplate on that</b>  <b>19 transformer, was not working correctly.</b>  <b>20 Q. Okay.</b>  <b>21 A. There was no way to shut it down. If it was</b>  <b>22 fused correctly, it would have cut the power on it and</b>  <b>23 Walt would still have his -- should have had his house</b>  <b>24 and his truck.</b>  <b>25 Q. And so what you're saying, the melted triplex</b> </p>

<p style="text-align: right;">Page 77</p> <p>1 indicated to you that the transformer had not properly 2 fused or shut off at the time of the fire.</p> <p><b>3 A. Correct.</b></p> <p>4 Q. And you mentioned -- why don't we go back to 5 it right now. You mentioned a -- a plate?</p> <p><b>6 A. There was a nameplate on that particular 7 transformer. It's got details. Where it's got a fuse 8 at the line side of that transformer, that's the power 9 coming in, that's got a breaker on the secondary side.</b></p> <p><b>10 And I -- I just pulled up on your screen 11 what's labeled Exhibit 21. Do you see that,</b></p> <p><b>12 Mr. Winkfein?</b></p> <p><b>13 A. I don't see that.</b></p> <p>14 Q. Can you -- can you take a look at your 15 computer screen?</p> <p><b>16 A. I just see lunch meeting or something.</b></p> <p>17 Q. Okay. Hold on a second.</p> <p>18 MR. SWALLOW: You guys want to take a 19 break real quick to make sure we get this -- let me -- 20 let me try sharing again.</p> <p>21 Madam Court Reporter, what are you 22 seeing?</p> <p>23 THE REPORTER: Nothing yet.</p> <p><b>24 THE WITNESS: There it is. There it is.</b></p> <p>25 MR. SWALLOW: Okay. That may have been</p>	<p style="text-align: right;">Page 79</p> <p>1 the -- looked at the transformer, right, you've observed 2 it?</p> <p><b>3 A. Yeah.</b></p> <p>4 Q. At least from the ground. I know you haven't 5 climbed up there.</p> <p><b>6 A. Yes.</b></p> <p>7 Q. But based on what you observed and what this 8 plate says, I mean, do you -- do you agree that this 9 is -- this is the transformer -- or that this -- this 10 plate accurately describes the transformer?</p> <p><b>11 A. Yes.</b></p> <p>12 Q. Okay. And -- and what -- tell us a little bit 13 about the transformer. What -- what other information 14 were you able to obtain from this plate?</p> <p><b>15 A. There's two different plates. You got -- 16 well, there's -- there's one up there where it says 17 serial number. First two numbers tells you when that 18 particular transformer was manufactured. This is '64. 19 There you go. That's when that was manufactured.</b></p> <p>20 Q. So this -- this -- this transformer was 21 manufactured in 1964?</p> <p><b>22 A. According to that, that's exactly what 23 happened.</b></p> <p>24 Q. Okay. And anything else on this?</p> <p><b>25 A. It was made in Athens, Georgia.</b></p>
<p style="text-align: right;">Page 78</p> <p>1 Walt's. Is that -- do y'all have a picture of Exhibit 2 21, then?</p> <p>3 THE REPORTER: Yes.</p> <p>4 Q. (BY MR. SWALLOW) Okay. And Bill, are you 5 able to see Exhibit 21?</p> <p><b>6 A. I can see it, but it needs to come -- there 7 you go. Just -- see at the bottom right-hand corner of 8 that plate, it gives you a diagram how that transformer 9 is supposed to work. On the top of that it's showing a 10 fuse. At the bottom of that circle it's showing a 11 breaker. They did not work in this particular instance.</b></p> <p>12 Q. Okay. So this is the plate on Exhibit 1 that 13 you're talking about?</p> <p>14 Now, you weren't able to -- to actually 15 climb up on the pole and observe it.</p> <p><b>16 A. No. No, I'm too old for that.</b></p> <p>17 Q. All right. This is something that was 18 provided to you. Do you understand this -- where -- 19 where is this plate located, for the jury?</p> <p><b>20 A. It's on the transformer.</b></p> <p>21 Q. Okay. And -- and do you -- I mean, any reason 22 -- it's your understanding that this is the plate on the 23 AEP transformer?</p> <p><b>24 A. Yes. Walt took this picture.</b></p> <p>25 Q. Okay. And based on -- now, you've looked at</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. Okay. Fair enough.</p> <p>2 Now, based on -- okay. Based on -- 3 looking at the information on here, did you believe that 4 the -- or do you believe -- is it your opinion that the 5 transformer was hooked up correctly?</p> <p><b>6 A. It was hooked up correctly, but that 7 particular transformer didn't work correctly.</b></p> <p>8 Q. Okay. What's that based on?</p> <p><b>9 A. The diagram on that nameplate.</b></p> <p>10 Q. Okay. And you're talking about the diagram 11 down here in the corner?</p> <p><b>12 A. Yes.</b></p> <p>13 Q. And I'm going to try to zoom in on that. And 14 -- okay, so this is Exhibit 21 and there's a diagram --</p> <p><b>15 A. It says HVB, so that means high voltage beams.</b></p> <p>16 Q. Okay.</p> <p><b>17 A. That's on your line side.</b></p> <p>18 Q. Okay.</p> <p><b>19 A. The bottom side, it says breaker. That's down 20 at the bottom. That's your secondary side.</b></p> <p>21 Q. Okay. And so where -- where -- explain that 22 to us a little bit. Explain that to the jury -- I -- so 23 they -- they can understand.</p> <p><b>24 A. You've got your main line, your power line, 25 coming in on your high voltage. It's got an insulator</b></p>

<p style="text-align: right;">Page 81</p> <p><b>1 on the outside of that transformer, and it's feeding 2 into that transformer. It's got an internal fuse and 3 it's got an internal breaker. Neither one of them 4 worked.</b></p> <p>5 Q. And -- and what -- what are you basing that 6 on?</p> <p><b>7 A. You got a constant power.</b></p> <p>8 Q. Okay.</p> <p><b>9 A. It did not shut off.</b></p> <p>10 Q. And because of the -- the fused triplex, 11 that's why you believe there was constant power?</p> <p><b>12 A. Yes.</b></p> <p>13 Q. Okay.</p> <p><b>14 A. That's -- the transformer is not designed to 15 lighten this electrical service at Walt Cude's house, 16 it's not designed for that either [sic].</b></p> <p>17 Q. And if -- if I can summarize a little bit, if 18 this transformer had been functioning correctly, you 19 would not have seen melted triplex in the driveway; is 20 that -- is that basically --</p> <p><b>21 A. That's correct, and you wouldn't have seen a 22 burnt up house.</b></p> <p>23 Q. Okay. And I want to -- I pulled up what's 24 labeled Exhibit 17. Have you seen this picture before?</p> <p><b>25 A. Yes.</b></p>	<p><b>1 A. Where your little arrow you got up there.</b></p> <p>2 Q. Okay. What am I -- that may be Walt -- that 3 may be on Walt -- Mr. Cude's screen. I'm sorry. That 4 may be on your screen. Are you talking about right down 5 in here?</p> <p><b>6 A. Yes.</b></p> <p>7 Q. Okay. The part I'm zooming in on here is the 8 -- so that little kind of puddle of metal almost, 9 that's -- that's melted triplex?</p> <p><b>10 A. Yes.</b></p> <p>11 Q. What you're saying, you wouldn't observe that 12 before a fault in the transformer?</p> <p><b>13 A. I seen it when it was laying on his driveway.</b></p> <p>14 Q. And so this is similar to what -- you observed 15 more of this in the driveway.</p> <p><b>16 A. Yes.</b></p> <p>17 Q. Can you describe to us a little bit what -- 18 what you -- what you observed in the driveway?</p> <p><b>19 A. Pretty much what you're looking at there.</b></p> <p><b>20 It's all melted insulation on those conductors and some 21 conductors with no more insulation left on them; it's 22 burnt.</b></p> <p>23 Q. Okay. Was there any other explanation that 24 you could think of for having melted triplex?</p> <p><b>25 A. No, you just had a constant -- the voltage</b></p>
<p style="text-align: right;">Page 82</p> <p>1 Q. Is this something you reviewed as part of your 2 investigation?</p> <p><b>3 A. Yes, that's melted fire (unintelligible).</b></p> <p>4 Q. Okay. And so this is Exhibit 17. What -- 5 what are we looking at here?</p> <p><b>6 A. This is triplex that is burned up from that 7 surge, the power which would not shut off, and it just 8 melted it. Nothing left of it.</b></p> <p>9 Q. And does this fairly -- fairly and accurately 10 depict what you observed --</p> <p><b>11 A. Yes.</b></p> <p>12 Q. -- this fire you inspected?</p> <p><b>13 A. Yes.</b></p> <p>14 Q. Now -- now, these wires --</p> <p><b>15 A. Conductor, where your server is, that's where 16 these all bonded together.</b></p> <p>17 Q. Uh-huh.</p> <p><b>18 A. And you've got 120 -- well, actually, you've 19 got 240 volts now tied on with your grounded conductor. 20 That's all going back into Walt Cude's home. It's not 21 designed for that.</b></p> <p>22 Q. And you said -- you referenced -- you said 23 there's a circle there. Are you talking about the -- 24 the little kind of puddle of metal or circle of metal 25 down in --</p>	<p><b>1 coming out of that transformer which would not shut off, 2 and that's what caused this.</b></p> <p>3 Q. Okay. And some of this melted triplex was 4 away from the house, right?</p> <p><b>5 A. Yes.</b></p> <p>6 Q. Was away from the house fire and was going up 7 the driveway, correct?</p> <p><b>8 A. Correct.</b></p> <p>9 Q. Okay. And so can you think of anything else 10 that could have caused that?</p> <p><b>11 A. No. Only thing that caused that is bad 12 conductors. The triplex is a bad conductor. Like that 13 one transformer you had up earlier where the insulation 14 was coming off, electricity works the same principle as 15 a water hose. You run your water hose for a period of 16 time and certainly you're going to start getting leaks 17 in it, have leaks in it. Electricity works exactly the 18 same way. You've got the power source going through it, 19 and eventually it's going to start having leaks in it 20 and that electricity is going to come to the surface and 21 that's what's called corona. You have white raised 22 spots where the insulation is deteriorating.</b></p> <p>23 Q. And have you observed corona around the 24 Arrowhead subdivision?</p> <p><b>25 A. I haven't observed any until this time.</b></p>

<p style="text-align: right;">Page 85</p> <p>1 Q. Okay. You observed some at Walt -- when you 2 replaced the -- the service drop, though, the 3 weatherhead at Walt Cude's residence, you observed some 4 corona?</p> <p><b>5 A. Not at that time, no.</b></p> <p>6 Q. Okay. All right. I thought you had said on 7 the power box on the internal wires that you replaced.</p> <p><b>8 A. Those -- that insulation on there, that's not 9 triplex going down that.</b></p> <p>10 Q. Okay. But there was -- okay. All right. 11 Fair enough. That was not the triplex, then. I got 12 you.</p> <p>13 Does this fairly and accurately represent 14 what you observed with Mr. Cude, the wires you observed?</p> <p><b>15 A. Yes.</b></p> <p>16 Q. And these -- where did you locate these? 17 These were from Mr. Cude's house?</p> <p><b>18 A. They was at Mr. Cude's house.</b></p> <p>19 Q. Okay. And he -- he had picked these up after 20 the incident?</p> <p><b>21 A. Yes.</b></p> <p>22 Q. Okay. What else did you do as part of your 23 investigation? Did you interview any people? Did you 24 talk to any people around -- around the area?</p> <p><b>25 A. His neighbor, I think, is Mr. Day.</b></p>	<p style="text-align: right;">Page 87</p> <p><b>1 wasn't there at the time.</b></p> <p>2 Q. Okay. And that's what I wanted to clarify. 3 You weren't there on the night of the fire.</p> <p><b>4 A. No.</b></p> <p>5 Q. Okay. Do you know who took this picture?</p> <p><b>6 A. I have no idea. It could have been Walt Cude.</b></p> <p><b>7 I don't know. I don't know who took that picture.</b></p> <p>8 Q. Okay. Do -- and do you know what a picture -- 9 do you know what it is? Is that -- what are we looking 10 at?</p> <p><b>11 A. I think that's Walt Cude's house burned up.</b></p> <p>12 Q. Okay. Do you see any arcing or sparking in 13 this picture?</p> <p><b>14 A. I just see a -- what's a fire is all I see in 15 this particular picture.</b></p> <p>16 Q. Okay. Did you see any -- okay, fair enough. 17 Who else -- who else did you talk to? 18 You talked to Johnny Day. And any- -- anybody else?</p> <p><b>19 A. Ron Meyer. He's the one that works for the 20 fire department. He was out there.</b></p> <p>21 Q. And what did -- what did Ron -- what did you 22 discuss with Ron?</p> <p><b>23 A. Trying to figure out how that fire originated, 24 which he -- they had AEP come out, and AEP went to 25 Walt's other neighbor's house where that -- that triplex</b></p>
<p style="text-align: right;">Page 86</p> <p>1 Q. Okay.</p> <p><b>2 A. He observed it where it was arcing at Walt 3 Cude's house and on his neighbor's house.</b></p> <p>4 Q. Okay. Explain that to us. He observed 5 arcing? What -- what is arcing?</p> <p><b>6 A. That's like sparks sort of stay -- coming off 7 the conductors, the triplex.</b></p> <p>8 Q. Okay. What -- what else? What's his 9 neighbor's name?</p> <p><b>10 A. Mr. Day.</b></p> <p>11 Q. Do you know his first name?</p> <p><b>12 A. I'm not for sure. I think it's John.</b></p> <p>13 Q. John Day? And where does his neighbor live?</p> <p><b>14 A. Right across the road from Walt Cude.</b></p> <p>15 Q. On Vista Lane. And so he -- what did he 16 tell you? He was there the evening of the fire?</p> <p><b>17 A. Yes.</b></p> <p>18 Q. And -- okay. He observed -- I've got a 19 picture here, too. It's -- I'll pull it up. It's 20 called -- it's labeled Exhibit 16. Have you seen this 21 before?</p> <p><b>22 A. I have seen -- I've observed this before.</b></p> <p>23 Q. Okay. You -- you personally observed it or 24 you had looked at the picture before?</p> <p><b>25 A. I just looked at the picture, that's all. I</b></p>	<p style="text-align: right;">Page 88</p> <p><b>1 was arcing also. And apparently they pulled the meter 2 out of that so that wouldn't burn his house down either. 3 And then in the meantime I think they got up with a 4 bucket truck and they cut the lines loose feeding that 5 other house.</b></p> <p>6 Q. Okay. And so Ron -- this was -- Ron had 7 witnessed this on the evening of the fire?</p> <p><b>8 A. Yes.</b></p> <p>9 Q. Okay. Did you talk to -- did you talk to Walt 10 as well?</p> <p><b>11 A. The next morning I talked to him.</b></p> <p>12 Q. Okay. And what did he observe the night of 13 the fire?</p> <p><b>14 A. What he told me, he said when he came out of 15 this burning house that those -- the triplex was arcing.</b></p> <p>16 Q. Okay. Can you explain to the jury when you 17 say arcing, is that -- you know, what -- what -- what 18 would that look like?</p> <p><b>19 A. Like a sparkler like kids use with all the 20 sparks coming out.</b></p> <p>21 Q. Okay. And so if you have arcing like that, 22 what -- what does that indicate to you? In your 23 opinion, what was happening?</p> <p><b>24 A. You had the triplex going to Walt Cude's 25 house, and I'm sure it went to ground, but there was no</b></p>

<p>1 place for it to shut off at the transformer. It kept 2 arcing in those conductors and they finally melted 3 together and they come down after the fact, which it had 4 already burned his house down and burned his truck down.</p> <p>5 Q. Okay. Any -- anything else you did as part of 6 your investigation?</p> <p>7 A. I walked around through it. Some of the 8 ashes -- there wasn't nothing left of anything, you 9 know.</p> <p>10 Q. Okay. And what was your -- after -- after 11 doing -- after doing your investigation, what was your 12 opinion, what was your conclusion you came up with?</p> <p>13 A. My conclusion was that transformer did not 14 trip the power going through that pipe like 15 (unintelligible) in Mr. Walt's house. And that's where 16 it started and that's where it ended.</p> <p>17 Q. Is there anything that, in your opinion, your 18 expert opinion, that -- that Mr. Cude could have done, 19 you know, or that would have caused the fire, that would 20 have caused what -- you know, the arcing wires, melted 21 triplex, the things --</p> <p>22 A. No. No.</p> <p>23 Q. Is this the sort of accident that would happen 24 without some form of negligence?</p> <p>25 A. It's an accident because of no maintenance.</p>	<p>Page 89</p> <p>1 through the nipple from that meter box and it's going 2 right back into Walt Cude's house. That's all the 3 ground wires, all the grounding conductors and the other 4 conductors were all caught on fire. There was no way to 5 shut it down. The insulation caught on fire and just 6 went on and on.</p> <p>7 Q. Okay. And -- and if -- if -- I think if I'm 8 understanding you correctly, then -- then the power that 9 was surging into -- to Mr. Cude's residence would have 10 -- would have heated up the wires inside the walls 11 and --</p> <p>12 A. Yes, and the insulation that's over the wires. 13 That -- that will start a fire just like getting a piece 14 of newspaper and put it on some hot charcoal in a 15 barbecue grill; it catches on fire. Insulation on a 16 conductor is doing the same thing.</p> <p>17 Q. And so if you've got -- if you've got the 18 extreme voltage, you know, coursing into the house and 19 those wires get hot enough, they're going to get hot and 20 they're going to catch the insulation, the plastic 21 insulation on the wire on fire as well as --</p> <p>22 A. That's correct.</p> <p>23 Q. -- the house is. Okay.</p> <p>24 You know, and you -- you -- we -- we 25 showed the -- the picture of the power box earlier and</p>	<p>Page 91</p>
<p>1 Q. I mean, the -- the -- the things that you 2 observed, though, in -- in the absence of some 3 negligence on behalf of one of the parties, is that -- 4 is that something that, you know -- would the accident, 5 you know, have occurred without some negligence?</p> <p>6 A. The accident wouldn't have occurred if AEP 7 maintained their triplex and their transformers.</p> <p>8 Q. And I wanted to explain a little bit more for 9 the jury. What -- what do you believe to be the -- the 10 source of the fire? You know, how did the fire, you 11 know, get from the arcing triplex to Mr. Cude's 12 residence? How did -- how did it -- how did the fault 13 in the transformer and the ground wires, how did that 14 translate into Mr. -- Mr. Cude's residence burning down?</p> <p>15 A. All the conductors in that triplex going to 16 Mr. Cude's house, they all bonded together. That's 17 where you got two 120-volt lines which turns into 18 240-volt lines, goes into the grounded conductor. That 19 goes back into the meter. On your meters you pulled 20 out, it's got two stab-ins, one for 120 on one side, 120 21 on the other side. Your neutral or your grounded 22 conductor has got a solid bar that goes straight 23 through. There's no place where you can disconnect 24 that. That feeds through. On that grounded conductor, 25 you've got 240 volts going through that and it's going</p>	<p>Page 90</p> <p>1 you had done the installation on that. I noticed there 2 was a surge protector on there and there was a main 3 breaker, and I noticed that all the individual circuits 4 in the house also had breakers on them.</p> <p>5 Now, can you explain to me why -- why 6 didn't those breakers trip, why didn't -- why didn't 7 that stop -- stop the fire from -- from going into 8 Mr. Cude's residence?</p> <p>9 A. You had a constant voltage going into that 10 panel box which could not be shut off at that 11 transformer. That should not happen; it's not designed 12 for that. You had a constant voltage until the trans- 13 or the triplex burned in half, but at the same time when 14 that was going on we had that 240 volts of -- going 15 through Walt Cude's house and it was melting the wires. 16 By that time that triplex burned in half, but meantime 17 it already caught Walt Cude's house on fire from the 18 insulation.</p> <p>19 Q. Now, if -- what happened to the -- to the 20 breakers? And did you look around for the breakers and 21 the contents of the box out there?</p> <p>22 A. There was nothing left. It was all melted.</p> <p>23 Q. And what would have happened to the breakers 24 when -- when the --</p> <p>25 A. They all caught on fire.</p>	<p>Page 92</p>

<p style="text-align: right;">Page 93</p> <p>1 Q. Okay. Would -- would the -- would the current 2 have been such that it could jump the breakers or how -- 3 can you explain to the jury how that happened? I'm 4 trying to understand how this conductor and the breakers 5 didn't stop this fire.</p> <p><b>6 A. It could not -- could not have stopped that 7 fire. You have a constant voltage that's going -- it's 8 feeding your grounding conductors and your grounded 9 conductors. It was going through there and it was going 10 up through the conductors going into Walt Cude's house. 11 In the meantime it's burning all the wires and 12 conductors in that panel and the breakers. There was -- 13 there would have been no way to shut that off until that 14 triplex burned in half, or if that transformer would 15 have worked, which was designed for it, it would have 16 tripped; this would not have happened.</b></p> <p>17 Q. How about -- okay. If there had been a fuse 18 cutout, would that have protected the residence as well?</p> <p><b>19 A. Yes.</b></p> <p>20 Q. Okay. And a fuse cutout -- and we looked at 21 those a lot earlier, we looked at the ones on the power 22 poles and -- and -- and some of the power poles around 23 the neighborhood. Do those also -- they're not just -- 24 they have an actual fuse on them, correct? Is that --</p> <p><b>25 A. Yes.</b></p>	<p style="text-align: right;">Page 95</p> <p><b>1 A. Not what I've seen.</b></p> <p>2 Q. Okay. You couldn't -- you don't believe -- 3 okay. Fair enough.</p> <p>4 I want to -- are you all right to keep 5 going a little bit longer, Mr. Winkfein?</p> <p><b>6 A. A little bit.</b></p> <p>7 Q. All right. I appreciate it.</p> <p>8 What -- what -- what sources, materials 9 did you rely upon? Did you bring those with you today?</p> <p><b>10 A. Just these wires I showed you earlier.</b></p> <p>11 Q. Yeah, the wires, we looked at those. How 12 about -- I think you had a lineman's book and maybe a --</p> <p><b>13 A. Oh, yes.</b></p> <p>14 Q. Do you have that stuff there with you?</p> <p>15 Okay. Can you hold that up? Can you 16 hold that up for the camera and show the jury?</p> <p><b>17 A. (Indicating).</b></p> <p>18 Q. You got -- a little bit high. That's pretty 19 good, okay.</p> <p>20 And that says the Lineman's &amp; Cableman's 21 Handbook 8th Edition. And is -- is that a source that 22 you relied upon in your investigation?</p> <p><b>23 A. That was part of it, but I took a test on this 24 years ago. This was nationwide. There's several 25 different electrical engineers and power companies got</b></p>
<p style="text-align: right;">Page 94</p> <p>1 Q. And they're designed to cut out in -- in -- in 2 this sort of circumstance?</p> <p><b>3 A. Yeah.</b></p> <p>4 Q. Okay. So is it in -- in your opinion, in your 5 professional opinion, if -- if there had been a cutout 6 fuse on the -- the supply side, would that have likely 7 had protected the house?</p> <p><b>8 A. That would -- that would have eliminated the 9 problem.</b></p> <p>10 Q. Okay. I want to ask a little bit too. Any -- 11 anything else that would have fixed the problem? We 12 talked about the cutout. How about if there had been 13 a -- a ground on -- the proper ground on the pole? 14 Would that have helped?</p> <p><b>15 A. No.</b></p> <p>16 Q. No. That wouldn't? Okay. All right. 17 Any other -- any other -- any other 18 faults you found in the AEP system that -- that you 19 believe contributed to the fire?</p> <p><b>20 A. There was not fuse or breaker in that 21 transformer. If there was, it was not working 22 correctly.</b></p> <p>23 Q. Okay. Did you -- did you consider 24 alternatives, other alternatives to what might have 25 caused the fire?</p>	<p style="text-align: right;">Page 96</p> <p><b>1 all their readings in it.</b></p> <p>2 Q. Okay. Did you -- any -- any other sources you 3 relied upon for your investigation?</p> <p><b>4 A. National Electric Code.</b></p> <p>5 Q. Okay. Do you have that with you too? There 6 you go. And that's the 2011 Edition.</p> <p><b>7 A. Yeah.</b></p> <p>8 Q. Okay.</p> <p><b>9 A. Only difference between this and a new one, 10 they just add different things to it. They don't take 11 anything away from it.</b></p> <p>12 Q. Gotcha. So generally the -- the same -- those 13 should be the same provisions?</p> <p><b>14 A. Yeah.</b></p> <p>15 Q. Okay. And I'm going to pull up what's, let's 16 see, Exhibit 26 on -- do you have that? Do you see that 17 on your screen?</p> <p><b>18 A. Yes.</b></p> <p>19 Q. Okay. Is that a -- is that a fair and 20 accurate representation of your -- your book that you 21 just showed us, I guess?</p> <p><b>22 A. Yes.</b></p> <p>23 Q. Okay. And same thing, Exhibit 26 is a Lineman 24 &amp; Cableman's Code; that's the same one you relied upon?</p> <p><b>25 A. Yes.</b></p>

<p style="text-align: right;">Page 97</p> <p>1 Q. What did you -- from consulting those sources,      2 did you -- what did they tell us about this incident or      3 what -- what AEP maybe should have done in this case?</p> <p><b>4 A. They should have a transformer that was      5 functional. They should be maintained periodically.      6 They should have a ground rod and a -- and a proper      7 ground wire going to the ground rod, which the ground      8 rod is supposed to be 10 foot by five-eighths-inch      9 ground rod. And their particular ground wire, they --      10 they used was all corroded up. It looked like it's got      11 a kink in it. That should have been taken care of,      12 have a proper ground wire going to that ground wire.</b></p> <p>13 Q. And had AEP done those things, had they      14 properly maintained the -- the equipment, had to have a      15 cutout fuse, had to have proper ground rod --</p> <p><b>16 A. They should have went out to the house and      17 observed it just like I did, and apparently they did      18 not.</b></p> <p>19 Q. Had they done that, then you don't -- in      20 your -- in your opinion, this -- this -- the fire would      21 not have occurred.</p> <p><b>22 A. That's right.</b></p> <p>23 Q. Okay. And I want to look at Exhibit 26 a      24 little bit more here. There's -- did you -- did you      25 find any specific codes that were violated? I think you</p>	<p style="text-align: right;">Page 99</p> <p>1 Q. So in your -- in your opinion, then, the --      2 the AEP was in violation of this standard?</p> <p><b>3 A. Yes.</b></p> <p>4 Q. Any -- any other standards you -- you believe      5 AEP violated?</p> <p><b>6 A. Secondary over current protection.</b></p> <p>7 Q. Is that in the -- that's in the same -- same      8 table here. Okay. And how did they violate that      9 provision?</p> <p><b>10 A. There was no secondary protection on it.</b></p> <p>11 Q. Okay. And what is secondary protection?</p> <p><b>12 A. That's where your -- secondary is your triplex      13 coming out of that transformer feeding into Walt's      14 house.</b></p> <p>15 Q. Okay. And what kind of protection should they      16 have had on it?</p> <p><b>17 A. They should have a fuse or a breaker which      18 should have been at least accessible outside that      19 transformer.</b></p> <p>20 Q. And they didn't have that. And are you      21 talking about a cutout fuse?</p> <p><b>22 A. No, I'm talking about a circuit break or fuse,      23 something that you can get to to shut it off.</b></p> <p>24 Q. I understand. Was -- was there -- in -- in      25 this transformer, was it internally fused? Is that it?</p>
<p style="text-align: right;">Page 98</p> <p>1 may have referenced these in your report, but do you      2 remember them offhand?</p> <p><b>3 A. The NEC code, it's supposed to have a -- there      4 you go right there.</b></p> <p>5 Q. Which one? This one right here?</p> <p><b>6 A. Yes.</b></p> <p>7 Q. Okay. And this is -- this is from the NEC.      8 It's -- are we looking at table 450-3A; is that correct?</p> <p><b>9 A. Correct.</b></p> <p>10 Q. Okay. What does the NEC code tell us?</p> <p><b>11 A. It tells you how to protect on your primary      12 volts, primary protection over 600 volts. It shows the      13 circuit breaker and shows a fuse. And that's your line      14 side. It's 300 percent that you go on your fuse sides      15 of this.</b></p> <p>16 Q. Okay. So what -- what do we -- what is this      17 table showing us?</p> <p><b>18 A. That's what the primary site should have had      19 for protection on that transformer.</b></p> <p>20 Q. Okay.</p> <p><b>21 A. It says at the top, primary protection. This      22 is over 600 volts.</b></p> <p>23 Q. Okay. So you're --</p> <p><b>24 A. That was a 7200 volt line. So that exceeds      25 600 volts.</b></p>	<p style="text-align: right;">Page 100</p> <p><b>1 A. Yes. According to the diagram on that      2 nameplate, you have it internally fused and you have it      3 -- internally breaker on this particular transformer,      4 according to that nameplate, and neither one of them      5 worked.</b></p> <p>6 Q. Now, would that have satisfied the provisions      7 of code?</p> <p><b>8 A. No. Well, it would have, yes, if they worked,      9 but they didn't.</b></p> <p>10 Q. Okay.</p> <p><b>11 A. This -- this is from bad maintaining, bad      12 maintenance.</b></p> <p>13 Q. Okay. Had they -- had they functioned      14 properly, then -- then that would have been -- but --      15 but the problem was, in your -- in your opinion, is that      16 due to poor maintenance or the age of the transformer,      17 the 1964 transformer, that that -- that that fuse was so      18 rusted up or not working that it failed to trip?</p> <p><b>19 A. That's correct.</b></p> <p>20 Q. Okay. And -- and what do you base that on?      21 What facts support that conclusion?</p> <p><b>22 A. Just from what I've observed around this area      23 on their transformers, and around this area they're      24 all rust buckets and need to be replaced and new ones      25 installed.</b></p>

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1 Q. Okay. And beyond that, though, I'm talking  
 2 about the specific transformer at Walt Cude's house --  
 3 (Simultaneous speaking.)  
**4 A. I didn't strip it because --**  
 5 Q. -- transformer didn't trip?  
**6 A. It didn't trip.**  
 7 Q. But how do we know that? What facts support  
 8 that?  
**9 A. Walt's burnt house and his melted truck.**  
**10 After the triplex melted in half, it was still**  
**11 energized.**  
 12 Q. Okay. So what you're saying, after -- what  
 13 Walt observed, what the neighbors observed and -- and --  
 14 did you observe Walt's melted truck? You referenced to  
 15 a melted truck.  
**16 A. Yes.**  
 17 Q. Can you tell us a little bit more about that?  
 18 I don't think we -- we -- we told -- we discussed --  
**19 A. Triplex when it melted, it fell down on Walt's**  
**20 truck. It melted that truck because it was still**  
**21 energized, and it got to your gas tank, which that**  
**22 caught on fire. Gas and fire don't go together too**  
**23 well. And it just melted down even with the rims on**  
**24 that metal off. Toolbox and everything in that truck**  
**25 melted, even the engine.**

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1 Q. And you personally observed a melted truck.  
**2 A. Yes.**  
 3 Q. And so what you're saying is after the wires  
 4 burnt through because of the heat from either the -- you  
 5 know, the -- the current or the heat from the fire, they  
 6 continued to be live wires and then fell on to  
 7 Mr. Cude's truck --  
**8 A. Yes.**  
 9 Q. -- and it melted down Mr. Cude's truck?  
**10 A. Yes. Well, it's got gasoline in it too.**  
**11 Gasoline and fire don't go -- mix together. Apparently**  
**12 the whole truck caught on fire from that line.**  
 13 Q. Okay. It seems that there should be some  
 14 safety precaution. I think that's -- if I understand  
 15 you right, what you're saying is, is that transformer,  
 16 had it been operating and properly maintained that there  
 17 should have been a fuse trip when, you know --  
**18 A. Sure.**  
 19 Q. -- at some point. It should not have  
 20 continued --  
**21 A. No.**  
 22 Q. -- to melt down the truck. Okay.  
**23 A. No.**  
 24 THE VIDEOGRAPHER: Mr. Swallow, excuse  
 25 me.

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1 MR. SWALLOW: Yes, sir.  
 2 THE VIDEOGRAPHER: This is the  
 3 videographer. I was wondering if we can take a quick  
 4 break. I wanted to see if I can adjust something on my  
 5 laptop really quickly.  
 6 MR. SCHAUER: Yeah. It's probably  
 7 lunchtime anyway.  
 8 THE VIDEOGRAPHER: Okay.  
 9 MR. SCHAUER: Why don't we just call it  
 10 quits for lunchtime.  
 11 THE VIDEOGRAPHER: Okay. The time is  
 12 12:17 p.m. We are off the record.  
 13 (Break from 12:17 to 1:17 p.m.)  
 14 THE VIDEOGRAPHER: The time is 1:17 p.m.  
 15 We are now on the record.  
 16 Q. (By Mr. Swallow) Mr. Winkfein, we are back on  
 17 the record. You all right to continue? I saw you --  
 18 you coughing there a little ways there. Are you feeling  
 19 okay?  
**20 A. I'm fine so far.**  
 21 Q. Okay. You let us know. If you need a break,  
 22 let us know. This is -- this is your show so just tell  
 23 us if you need a break and --  
**24 A. All right. I've been on shows before, real**  
**25 shows. I played -- I played on the Grand Old Opry years**

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**1 ago.**  
 2 Q. No kidding? We're on the record so I'm not  
 3 sure that the jury wants to hear about the Grand Old  
 4 Opry, but I would like to hear about that some day so --  
**5 A. Okay.**  
 6 Q. -- on a break, if you tell me about that.  
 7 But at this point let's -- let's get  
 8 back -- if you don't mind, let's get back to the  
 9 questions but --  
**10 A. Sure.**  
 11 Q. Yeah. Yeah. All right.  
 12 Did you -- did you review any of the  
 13 expert reports that were produced by AEP's experts in  
 14 this case?  
**15 A. I haven't talked to AEP personally, no.**  
 16 Q. Okay. Did you know -- did you -- they -- they  
 17 designated a couple experts in this case. Did you have  
 18 a chance to review their reports at all?  
**19 A. No.**  
 20 Q. Okay. And let's -- and I just have a couple  
 21 questions. One -- one of their -- one of their experts,  
 22 I believe his name is Ricardo Torres, said that -- that  
 23 no scientific conclusion can be made as the origin and  
 24 cause of the fire. Do you -- do you have an opinion as  
 25 to that?

<p>1     <b>A. Yes, I do.</b></p> <p>2     Q. Okay. And what are your thoughts on that?</p> <p>3     <b>A. Well, that particular transformer had a constant voltage coming out of it. There was no way to trip it, which means turn the breaker or fuse off. And the voltage kept coming out, and that burnt my house down plus Walt's truck down. There wasn't no way to shut it off. And that does not go back to that substation. Those particular instruments or transformers, they're not designed for that. They're supposed to have a -- supposed to be fused. That's where it cuts off. But you'll get the -- it goes back through that grounded conductor. Every house down through the street is going to collect the same thing.</b></p> <p>15    Q. And you're talking about the -- the -- the middle wire, the neutral wire --</p> <p>17    <b>A. Right.</b></p> <p>18    Q. -- on the conductor. And so in your opinion, if I can summarize just a little bit, what should have happened is the breaker or the -- the fuse on the -- the transformer should have tripped and sent it into the ground wire down at the bottom of the pole. Is that -- is that --</p> <p>24    <b>A. That's correct.</b></p> <p>25    Q. Okay. Based on what you witnessed on the</p>	<p>Page 105</p> <p>1 originated in the triplex wires to the house, the energy would have been cut off when the wires separated and no further arc damage would have been found in the copper conductors inside the structure. I -- I don't know that you had a chance to observe the copper conductors inside the structure.</p> <p>7     <b>A. There was nothing left of it.</b></p> <p>8     Q. Okay. If -- do you agree with his assessment that if -- if the -- if the electricity or if the -- the fault -- that the fire had originated in the triplex wires, do you agree that -- that it -- you know, that would not have caused any damage to the house?</p> <p>13    <b>A. That would be correct.</b></p> <p>14    Q. Okay. So you think -- and let me -- let me -- let me be -- I want you to be careful on this one. But if -- why don't you just -- can you -- can you explain that a bit more to the jury? How is that?</p> <p>18    <b>A. Installation on the triplex bonded together after the installation went off. Wouldn't have been a fuse on that transformer or a breaker. That power shouldn't have been shut down, and nothing would have come about, would happen.</b></p> <p>23    Q. Okay. But in your -- in your opinion, though, the fire did originate in the triplex or -- I'm not sure if I'm saying that right.</p>	<p>Page 107</p>
<p>1 interviews that you conducted, on the evidence you looked at, and -- and your knowledge and your background in electrical engineering and electrical installations, would an internal fault or short in the -- in the residences in Mr. Cude's electrical system have caused the arcing, another thing that was witnessed by -- was witnessed by Mr. Cude and -- and -- and the -- the firefighters and other people out there?</p> <p>9     <b>A. No.</b></p> <p>10    Q. Okay. And what's the basis of that? Do you have a -- if there had been a -- if there had been an electrical issue inside Mr. -- Mr. Cude's, you know, residence --</p> <p>14    <b>A. It would have tripped the breakers.</b></p> <p>15    Q. Go ahead.</p> <p>16    <b>A. It would have tripped the breakers.</b></p> <p>17    Q. Okay.</p> <p>18    <b>A. Main breaker. That wouldn't fit back through that meter feeding back to the triplex.</b></p> <p>20    Q. So what you're saying is it wouldn't have seen the melted triplex, the wires on fire, the arcing, the sparks, that sort of stuff?</p> <p>23    <b>A. No.</b></p> <p>24    Q. I want to read you one more statement from Mr. Torry's (ph.) report. It says that if the fire had</p>	<p>Page 106</p> <p>1     <b>A. Yeah, it originated on the triplex.</b></p> <p>2     Q. And then it moved into the house, the wires in the house heated up and caused the additional fire.</p> <p>4     <b>A. Right.</b></p> <p>5     Q. Okay. So I think what Mr. Torres is saying, and I haven't had the chance to take his deposition yet, but I believe what he's saying is if the fire had originated in the triplex wires as -- as I believe you're saying, that -- that those wires merely would have separated and -- and that would have been the end of it.</p> <p>12    <b>A. No.</b></p> <p>13    Q. Okay. And why -- why do you disagree with that?</p> <p>15    <b>A. The insulation on the conductors on the triplex melted together and they bonded together. And if that transformer would have been fused or had a breaker on correctly, that would not have happened. It was still energized when it came down on Walt Cude's truck.</b></p> <p>21    Q. Bear with me for one second here. I wanted to -- I want to pull up one -- one other exhibit here. It's Exhibit 24. I just wanted to see if you recognize this, if you remember writing it. Can you -- can you see this on your screen, Mr. Winkfein?</p>	<p>Page 108</p>

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1 <b>A. Yes.</b>		1 their own installation guidelines?	
2      Q. Okay. And do -- what -- what did -- can you		2 <b>A. Yes, they did.</b>	
3 tell the jury what this is, Exhibit 24?		3      Q. In what way?	
4 <b>A. This is telling what I installed on Walt</b>		4 <b>A. Well, besides grounding conductor, about</b>	
<b>Cude's house.</b>		<b>5 maintaining that particular transformer, which should</b>	
6      Q. Uh-huh.		<b>6 have shut it down. It all basically goes down to</b>	
7 <b>A. It's a nude 200-amp cover hammer main power</b>		<b>7 maintenance.</b>	
<b>8 breaker. The main means it's got a main breaker on it</b>		8      Q. Okay. So the -- the transformer was an issue.	
<b>9 and...</b>		9 Any -- anything else with the ground that was an issue	
10     Q. Okay. Was it -- was it -- is this a statement		10 or that was inconsistent with the installation	
11 that you -- you -- you made?		11 guidelines?	
12 <b>A. Yes.</b>		12 <b>A. Just the ground wire. It was a little small.</b>	
13     Q. Okay. And what -- do you remember when you		13 It should have been a number 4, which AEP required of	
14 made this?		14 each service. Any residents should be a number 4	
15 <b>A. Not approximately, no, I don't. It was after</b>		15 ground, and they should have had a number 4 of theirs,	
<b>16 the house fire.</b>		16 and the ground rod was supposed to be about three foot	
17     Q. Do you agree -- do you still agree with your		17 away from that pole.	
18 conclusions?		18     Q. Are you familiar, having lived in the	
19 <b>A. Yes, I do.</b>		19 Arrowhead subdivision for -- for a number of years, are	
20     Q. I pulled up what's labeled as Exhibit 27 and		20 you familiar with any other AEP customers and residents	
21 it's called AEP's or American Electric Power Guide For		21 in that area that have had problems with their	
22 Electric Service and Meter Installations. Is this		22 electrical installations for AEP?	
23 something you also reviewed as part of your		23 <b>A. Yes, I do. They've had electric poles just</b>	
24 investigation research into this?		<b>24 fall down because there's rock.</b>	
25 <b>A. That particular program there is for the</b>		25     Q. Can you -- can you provide us some --	
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1 <b>people that work for AEP.</b>		1 some instances of that?	
2      Q. Okay. And did you -- did you find any faults		2 <b>A. This friend of mine, her name is Renee Berry,</b>	
3 with the system or -- or I guess violations of AEP		3 they lost all their service. Because of the electric	
4 manual with the -- with Mr. Cude's system?		4 poles, power poles, they just fell down and they're just	
5 <b>A. Well, Mr. Cude's system was fine. He was up</b>		5 rotten. They're not maintaining their equipment.	
<b>6 to their standards.</b>		6      Q. Okay. How about any -- any instances of, you	
7      Q. Okay. Fair enough. I got it. How about with		7 know, lights flickering, that sort of stuff that you --	
8 AEP's electrical installations?		8 <b>A. I've had that at my house two or three times</b>	
9 <b>A. Their installation was incorrect. It's just</b>		9 I've had to call them out, and they had loose	
<b>10 poor maintenance.</b>		10 connections on their transformers.	
11     Q. Okay. Poor maintenance. And I'm going to		11     Q. Okay. And -- and when was -- when did that	
12 flip through here. Did you -- did you have a chance to		12 occur?	
13 review these?		13 <b>A. That happened last summer.</b>	
14 <b>A. No, I did not.</b>		14     Q. And had you come out and serviced the	
15     Q. You did not. Okay. So you're not familiar		15 transformer?	
16 with this -- with this guide then.		16 <b>A. Yes, they resolved it.</b>	
17 <b>A. No.</b>		17     Q. Any other -- any other instances of, you know,	
18     Q. Okay. All right. Fair enough.		18 lights flickering, that sort of stuff?	
19 <b>A. I'm familiar with what they -- they need or</b>		19 <b>A. I've had a couple of other friends of mine</b>	
<b>20 require at each service.</b>		<b>20 that's had the same thing, and I already -- I checked</b>	
21     Q. Okay. Are you familiar with the requirements,		<b>21 their panel boxes and everything was tight. I called</b>	
22 then, that would be in the AEP installation guide?		<b>22 the power company and they came out and found, like,</b>	
23 <b>A. Yeah.</b>		<b>23 loose wires on the transformers.</b>	
24     Q. Okay. And -- and did you -- were there any --		24     Q. And do you know their names? Can you provide	
25 did -- did they fail to follow -- did AEP fail to follow		25 a little bit more detail on that?	

<p style="text-align: right;">Page 113</p> <p>1     A. One of them's name was Sarry Walker. And      2 another one was Pat McGill, which he passed away, and      3 then just myself.</p> <p>4     Q. And do you remember when -- do you remember      5 those instances when they occurred?</p> <p>6     A. It's been a couple of years ago.</p> <p>7     Q. Now, another -- another thing that I wanted to      8 ask you about. Mr. Cude on -- had another -- there was      9 another -- he had a neighbor who was also connected to      10 the same transformer, I believe. And are you -- are you      11 familiar with that?</p> <p>12    A. Yeah, Walt had told me something about that.</p> <p>13    Q. Do you know the neighbor's name or do you know      14 the neighbor?</p> <p>15    A. I think his name is Donnie King.</p> <p>16    Q. Okay. Is his house still -- still located on      17 Vista Drive there?</p> <p>18    A. Yes.</p> <p>19    Q. And if -- now, my question is, and -- and I      20 think this may have come -- come up in your      21 investigation. But can you -- can you explain to the      22 jury why -- you know, why the neighbor's house was      23 affected -- or maybe it wasn't affected -- where      24 Mr. Cude's, you know, ended up burning down? Can you      25 explain if -- if the fault was in the transformer in the</p>	<p style="text-align: right;">Page 115</p> <p>1     A. Yes, I did.</p> <p>2     Q. Any other reasons you can think of why -- why      3 the neighbor's house would not have been affected by the      4 fire?</p> <p>5     A. They -- they got out there in time and saved      6 it.</p> <p>7     Q. Okay.</p> <p>8     A. They replaced that triplex going to that      9 neighbor's house too.</p> <p>10    Q. After the fire.</p> <p>11    A. Right.</p> <p>12    Q. Okay. Do you -- do you remember when that      13 occurred?</p> <p>14    A. I think it was within a day or the same day as      15 Walt Cude's house was burning.</p> <p>16    Q. Uh-huh. And I -- I -- I want to ask you real      17 quick. I -- I pulled up on the screen here what's      18 called -- what's been labeled Exhibit 22. Did you      19 review this photograph as part of your investigation?</p> <p>20    A. I have seen it up there but I haven't really      21 reviewed it.</p> <p>22    Q. Okay. Can you tell us what -- what Exhibit 22      23 is? What -- what is that a picture of?</p> <p>24    A. It's a -- a -- a pole and a transformer.</p> <p>25    Q. And when you -- yeah.</p>
<p style="text-align: right;">Page 114</p> <p>1 ground, as you explained, why didn't -- you know, why      2 didn't Walt's neighbor, who was also connected to the      3 transformer, burn down on the -- the night of November      4 19th, 2017, or the morning I guess it was?</p> <p>5     A. Well, power company came out and apparently      6 they went over and pulled the meter out of the      7 neighbor's house and cut the wires loose at the      8 transformer. And that's why he didn't have any damage      9 at his particular house. Part of that power pole, just      10 on the inside of his property, it was just a brace to      11 hold the wire up. About every hundred feet you need to      12 set up a power pole to hold up the conductors that have      13 that power poles burnt.</p> <p>14    Q. So it appeared that there was some fire      15 damage --</p> <p>16    A. Yes.</p> <p>17    Q. -- to the power pole.</p> <p>18       Do you know what that -- was that power      19 pole grounded at all?</p> <p>20    A. That particular one didn't have to have a      21 ground on. There was no transformer or any equipment      22 installed on that. That was just a brace to hold the      23 wires up.</p> <p>24    Q. Okay. But you did -- did observe some -- some      25 scorching or some burning on that power pole.</p>	<p style="text-align: right;">Page 116</p> <p>1     A. Secondary lines coming off of it.</p> <p>2     Q. And where is that pole located? Is that the      3 transformer outside of Walton Cude's former residence?</p> <p>4     A. Yes.</p> <p>5     Q. Okay. So this is the -- the defective      6 transformer that we've been talking about?</p> <p>7     A. Right.</p> <p>8     Q. Okay. Do you know when this picture was      9 taken?</p> <p>10    A. No, I don't.</p> <p>11    Q. Okay. Do you believe it fairly and accurately      12 represents the power pole that -- the -- the -- I know      13 you didn't take the picture, but is -- is -- do you      14 think that's a fair and accurate representation?</p> <p>15    A. Yes.</p> <p>16    Q. All right. And I pulled up here what's --      17 what's called Exhibit 23. Can you -- can you tell us      18 what this is?</p> <p>19    A. That's so they -- piece of equipment      20 installed, a new power pole at Walt Cude's house.</p> <p>21    Q. Okay. And do you know why -- why were they      22 installing a new power pole?</p> <p>23    A. The other one was rotten, about to fall down.</p> <p>24    Q. Okay. Do you know when they installed this      25 power pole?</p>

<p style="text-align: right;">Page 117</p> <p>1    A. It was right after that hurricane Harvey come      2 through.</p> <p>3    Q. Okay. Sometime -- so this would have been      4 before the fire, correct?</p> <p>5    A. It would have been before, yes.</p> <p>6    Q. All right. If I tell you it was probably -- I      7 mean, if hurricane Harvey happened in August 2017, does      8 that sound about right?</p> <p>9    A. Yeah.</p> <p>10   Q. Okay. Now, I think in your report you had      11 discussed, if I'm not mistaken, that you thought that      12 the installation of this power pole may have also      13 contributed to -- to the -- to the fire.</p> <p>14   A. What they did, they just -- they did not      15 replace the triplex going to Mr. Cude's house. They      16 just transport those conductors onto the new pole. They      17 pulled them a little bit too tight. They should have a      18 little bit of loop in them, about two foot dip in it, so      19 to speak, where it was sagging just the two feet. But      20 they pulled them too tight and these have play because      21 of the wind and the environments in this area.</p> <p>22   Q. Okay. And -- and if you can for the jury, can      23 you -- can you explain to them a little bit in -- in      24 Exhibit 23, which one is the -- we -- we saw a service      25 drop before that was installed by AEP that was too</p>	<p style="text-align: right;">Page 119</p> <p>1    A. Correct.</p> <p>2    Q. And what would -- what would be the effect of      3 overstretching those lines or potential effect? How did      4 that -- how do you think that that led to the fire?</p> <p>5    A. Well, the conductors just haven't been -- the      6 triplex hasn't been replaced --</p> <p>7           THE REPORTER: Wait a minute. Wait a      8 minute. Start that answer over, please.</p> <p>9    A. The triplex has not been replaced in several      10 years according to that transformer, and that      11 installation is corroded from the electricity flowing      12 through the conductors and the sunlight on those      13 conductors. That will make it crack after a period of      14 time. The insulation falls off, you'll have a hot      15 touching on a neutral conductor or a grounded conductor      16 and that will cause a fire.</p> <p>17   Q. Okay. Would -- would weather contribute to --      18 to -- to that as well?</p> <p>19   A. Yes, the sunlight will.</p> <p>20   Q. The sunlight. How about -- how about wind,      21 water?</p> <p>22   A. Wind can do it.</p> <p>23   Q. Okay.</p> <p>24   A. And once the insulation comes off those      25 conductors that are energized, that water is conductive</p>
<p style="text-align: right;">Page 118</p> <p>1 loose, and in this case what you're saying is the      2 service -- the service drop -- there is no drop, I      3 guess. You're saying it's too tight?</p> <p>4    A. It's too tight once they transport those lines      5 to that new pole.</p> <p>6    Q. Okay. And -- and do you -- what -- can you --      7 can you explain to the jury where the -- where the      8 service entrance or service drop is to -- to Mr. Cude's      9 residence?</p> <p>10   A. It's not on this picture, but it's to the left      11 of the picture.</p> <p>12   Q. Okay. All right. So to the left of the      13 picture those -- those lines that are --</p> <p>14   A. One's going to Walt Cude's house and the other      15 one is going to his neighbor's house.</p> <p>16   Q. Okay. And those are the lines on left side of      17 the picture; is that correct?</p> <p>18   A. Right.</p> <p>19   Q. Okay. And so those lines -- correct me if I'm      20 wrong here, but it's your opinion that those -- that      21 those lines were stretched too tight --</p> <p>22   A. Yes.</p> <p>23   Q. -- when this installation was done. Okay.      24         And the fire, if I'm not mistaken,      25 occurred shortly after this, correct?</p>	<p style="text-align: right;">Page 120</p> <p>1 and they go across from the energized conductor to the      2 grounded conductor. They will start arcing and the      3 whole thing is energized.</p> <p>4    Q. And is that -- based on your interviews, is      5 that what was observed the night of the fire?</p> <p>6    A. That's what I observed after the fire.</p> <p>7    Q. But you observed the triplex. But the      8 witnesses you talked to also said they -- they observed      9 arcing and sparking that was --</p> <p>10   A. Yes.</p> <p>11   Q. -- with your analysis.</p> <p>12   A. Yes.</p> <p>13   Q. If it was a dark and stormy night with the      14 wind and rain, would that also contribute --</p> <p>15   A. Sure.</p> <p>16   Q. -- to the arcing and the sparking that was      17 observed?</p> <p>18   A. Yes.</p> <p>19   Q. Okay. Mr. Winkfein, is there anything else,      20 any other -- anything else that we haven't talked about      21 that you -- you think is important?</p> <p>22   A. No. I think we pretty much established      23 everything.</p> <p>24   Q. Yeah, I have to ask, are you being compensated      25 for your testimony today in any way?</p>

<p>1   <b>A. No.</b></p> <p>2   Q. What did you do to prepare for your deposition 3 today?</p> <p>4   <b>A. Just from back knowledge.</b></p> <p>5   Q. All right. I'm going to take a quick, short 6 break, if you don't mind. And I think I -- I think I'm 7 done for now, but I just want to look back at -- look at 8 my notes and -- I may some follow-up questions as well. 9 I believe Don -- I'm guessing Don has some questions for 10 you, but if you guys will give me just a couple minutes, 11 I would appreciate it.</p> <p>12   <b>A. Okay.</b></p> <p>13   Q. All right.</p> <p>14         THE VIDEOGRAPHER: Off the record, Mr. 15 Swallow?</p> <p>16         MR. SWALLOW: Yes, sir, just give me a 17 couple minutes off the record.</p> <p>18         THE VIDEOGRAPHER: Okay. The time is 1 19 -- the time is 1:41 p.m. We are off the record.</p> <p>20         (Break from 1:41 to 1:53 p.m.)</p> <p>21         THE VIDEOGRAPHER: The time is 1:53 p.m. 22 We are now on the record.</p> <p>23             EXAMINATION</p> <p>24 BY MR. SCHAUER:</p> <p>25   Q. Mr. Winkfein, are you ready to continue?</p>	<p>Page 121</p> <p>1   Q. And when did that happen?</p> <p>2   <b>A. That's been within the last month or two.</b></p> <p>3   Q. Okay. And how did you get over to his house 4 today?</p> <p>5   <b>A. I drove over there myself.</b></p> <p>6   Q. Okay. And did you get there what time?</p> <p>7   <b>A. I probably got to his house about 10 minutes</b> <b>8 to 9.</b></p> <p>9   Q. Okay. So you were there a little over an hour 10 before we started.</p> <p>11   <b>A. Correct.</b></p> <p>12   Q. Okay. How about any of his attorneys, have 13 you spoken to any of his attorneys about this 14 deposition?</p> <p>15   <b>A. I talked to him previously, yes.</b></p> <p>16   Q. And when was the last time you talked to 17 him?</p> <p>18   <b>A. I talked to him yesterday.</b></p> <p>19   Q. Okay. What did you talk about?</p> <p>20   <b>A. What we were reviewing over today.</b></p> <p>21   Q. Okay. Did they tell you about the questions 22 they were going to ask you today?</p> <p>23   <b>A. Pretty much.</b></p> <p>24   Q. How much -- long did you spend with him?</p> <p>25   <b>A. Oh, I'd say about two or three hours.</b></p>
<p>1   <b>A. Yes.</b></p> <p>2   Q. Okay.</p> <p>3   <b>A. Oh, another one.</b></p> <p>4   Q. I'm sorry?</p> <p>5   <b>A. Let's do it.</b></p> <p>6   Q. Okay. Well, my name is Don Schauer. I 7 represent AEP Texas in this case. I have a few 8 questions for you today.</p> <p>9   <b>A. Sure.</b></p> <p>10   Q. Now, a while ago Mr. Swallow asked you what 11 you had done to prepare for your deposition, and you 12 said something and I got to tell you, my hearing is not 13 great. What did you tell him?</p> <p>14   <b>A. As far as a deposition, I'm just going through</b> <b>15 my back knowledge from all the experience I've had</b> <b>16 throughout the years.</b></p> <p>17   Q. Okay. But did you -- did you look at any 18 documents before you got here today to remind yourself 19 what -- what had happened?</p> <p>20   <b>A. No, I've already seen them.</b></p> <p>21   Q. Okay. Okay. Who did you speak to before you 22 did your deposition today? Did you speak -- I know you 23 spoke with Mr. Cude because you rode around with him and 24 took photos, right?</p> <p>25   <b>A. Correct.</b></p>	<p>Page 122</p> <p>1   Q. Okay. Did you spend with -- any time with him 2 before yesterday?</p> <p>3   <b>A. Yes.</b></p> <p>4   Q. Okay. And how -- how much time did you spend 5 with him before and when was that?</p> <p>6   <b>A. It's approximately -- approximately about the</b> <b>7 same amount of time. It's probably been -- well, I'd</b> <b>8 say about a month ago.</b></p> <p>9   Q. Okay. About two or three hours you spent with 10 him then too?</p> <p>11   <b>A. Yeah.</b></p> <p>12   Q. Okay. Any time before that?</p> <p>13   <b>A. I think that's pretty much it.</b></p> <p>14   Q. Okay. So you spent a total of about four to 15 six hours with him getting ready for the deposition; is 16 that right?</p> <p>17   <b>A. Correct.</b></p> <p>18   Q. Okay. Let me get some information about you. 19 What is your date of birth?</p> <p>20   <b>A. 8-16-1948.</b></p> <p>21   Q. Okay. So that makes you about 72?</p> <p>22   <b>A. Correct.</b></p> <p>23   Q. Okay. All right, sir. I think you've told us 24 your address. You said you've lived there about 11 25 years in that subdivision; is that correct?</p>

<p>1   <b>A. Correct.</b></p> <p>2   Q. Okay. Now, you told us about the work you did 3 for Mr. Cude on this house. Had you ever done any work 4 for him before you worked on that house?</p> <p>5   <b>A. No.</b></p> <p>6           MR. SCHAUER: Okay. Now, Jonathan, if 7 you'll pull up Exhibit Number 1.</p> <p>8           THE VIDEOGRAPHER: Sure, just a moment.</p> <p>9           MR. SCHAUER: Okay.</p> <p>10          THE VIDEOGRAPHER: Ah. Okay, there we 11 go. Okay. Can you guys see that okay?</p> <p>12          MR. SCHAUER: Yeah, I can.</p> <p>13          And, Sandy, I don't know how you want to 14 do this. I guess you could just do this Defense Exhibit 15 1. I don't know.</p> <p>16          THE REPORTER: Yes, that would be fine.</p> <p>17          MR. SCHAUER: Okay.</p> <p>18          Q. (BY MR. SCHAUER) Mr. Winkfein, this is a 19 cross-notice of your deposition with a subpoena attached 20 to it. Have you ever seen this document?</p> <p>21          <b>A. I can't say that I have.</b></p> <p>22          Q. Okay. Jonathan, if you'll scroll down to 23 the -- the page that's attached. Keep going. There you 24 go.</p> <p>25          Mr. Winkfein, this is a list of documents</p>	<p>Page 125</p> <p>1   Q. And I think you were asked when you wrote it 2 and you couldn't remember, but Jonathan, if you'll 3 scroll down to the bottom.</p> <p>4   <b>A. That's the paper I signed.</b></p> <p>5   Q. Yeah. Well, you see it's notarized on October 6 30th, 2019. Do you see that?</p> <p>7   <b>A. Yes.</b></p> <p>8   Q. Does that re- -- kind of refresh your memory 9 as to when you signed this?</p> <p>10   <b>A. Yes, I remember signing that.</b></p> <p>11   Q. Okay. Who prepared this document?</p> <p>12   <b>A. I think Mr. Cude did.</b></p> <p>13   Q. Mr. Cude typed it up for you?</p> <p>14   <b>A. Yes. I don't type.</b></p> <p>15   Q. Okay. And do you know the reason you -- you 16 signed this document on October 30, 2019? What was the 17 purpose?</p> <p>18   <b>A. This -- what's going on today, this 19 deposition.</b></p> <p>20   Q. Well, did -- well, did Mr. Cude tell you that 21 at the time the lawsuit had not been filed?</p> <p>22   <b>A. I thought it was already being filed. I have 23 no recollection of that.</b></p> <p>24   Q. Okay. But was your understanding you were 25 doing this because of a lawsuit?</p>	<p>Page 127</p>
<p>1   that you were asked to bring with your deposition today 2 or supply before your deposition. Have you ever 3 reviewed this list?</p> <p>4   <b>A. Let me look here just a minute.</b></p> <p>5   Q. Sure.</p> <p>6   <b>A. I think I signed some paper for this one time.</b></p> <p>7   Q. Okay. You were asked to bring these documents 8 today. As far as you know, have you brought everything 9 that's listed in this list?</p> <p>10   <b>A. I don't have anything like that on me 11 personally, no.</b></p> <p>12   Q. Okay. But when you say personally, you don't 13 have it with you right there at Mr. Cude's house, but is 14 some of this stuff you think could be at your home?</p> <p>15   <b>A. I don't have it in my home.</b></p> <p>16   Q. You don't have anything in your home?</p> <p>17   <b>A. No.</b></p> <p>18          MR. SCHAUER: Okay. All right. Okay. 19 Let's go to -- let's go to Exhibit 2, Jonathan, please.</p> <p>20          THE VIDEOGRAPHER: Okay. Just a second. 21 Okay. Here it is.</p> <p>22          Q. Okay. Now, Mr. Winkfein, I think we looked at 23 this a while ago. This is your first report. Do you 24 remember this?</p> <p>25   <b>A. Yes.</b></p>	<p>Page 126</p> <p>1   <b>A. Yes.</b></p> <p>2   Q. Okay. So I think --</p> <p>3           MR. SCHAUER: Okay. Jonathan, could you 4 come back up to the body of it, please? Okay. That's 5 good. That's good. That's good.</p> <p>6   Q. Okay. So I want to go through this -- this 7 first one you have here. It says, of course, that when 8 he purchased the house. Now, you've told us you did 9 this work in 2011; is that correct?</p> <p>10   <b>A. Correct.</b></p> <p>11   Q. Had he just purchased the house in 2011?</p> <p>12   <b>A. It was -- he had -- it was in 2011 but it was 13 prior to when this happened.</b></p> <p>14   Q. Wait a minute. I'm not sure I understand. 15 Oh, he -- you mean to tell me he had purchased the house 16 before 2011?</p> <p>17   <b>A. Well, he had purchased the house before I even 18 went over to his house to install that new service.</b></p> <p>19   Q. Yeah. Well, I know -- you told us you did 20 that new service at -- at what time?</p> <p>21   <b>A. It was after that time when he bought that 22 house, whenever he bought the house. I don't know 23 exactly what the date was when he bought that house.</b></p> <p>24   Q. Okay. When you first went over there to -- to 25 do the work, what did the house look like?</p>	<p>Page 128</p>

<p style="text-align: right;">Page 129</p> <p><b>1 A. The electrical panel -- panel outside, the service was a mess.</b></p> <p>3 Q. Okay. Had somebody lived there before him 4 lately?</p> <p><b>5 A. I think there was somebody there prior to 6 that, yes.</b></p> <p>7 Q. Was he living in the house at the time you 8 went over there to look at it the first time?</p> <p><b>9 A. Well, Cude was.</b></p> <p>10 Q. Okay. So he didn't have the house that you're 11 sitting in right now at the time or did he?</p> <p><b>12 A. The house I'm sitting in right now, he did 13 have this house.</b></p> <p>14 Q. Okay. So he had the one you're sitting in and 15 he had the one that burned down, both, correct?</p> <p><b>16 A. Correct.</b></p> <p>17 Q. Did they -- did he buy them at the same time, 18 or do you know?</p> <p><b>19 A. He didn't buy them at the same time. He 20 bought the one I'm sitting in first.</b></p> <p>21 Q. Okay. And did you know him before he bought 22 that second house?</p> <p><b>23 A. Excuse -- excuse me -- excuse -- excuse me 24 just a minute.</b></p> <p>25 (Phone interruption.)</p>	<p style="text-align: right;">Page 131</p> <p>1 Q. Why was it necessary to install a 200-amp 2 rather than a 100-amp?</p> <p><b>3 A. Everything in that house and things he was 4 projected to add onto that house.</b></p> <p>5 Q. Okay. So he told you what his future plans 6 were and it was going to necessitate something greater 7 than a hundred-amp box?</p> <p><b>8 A. Yes.</b></p> <p>9 Q. Did he tell you what he intended to put in 10 there?</p> <p><b>11 A. Just a bunch of equipment for woodworking and 12 sanding and things of that type.</b></p> <p>13 Q. Okay. Now, it says that the panel was 14 grounded according to Texas code to a ground rod. And 15 when you say Texas code, you're talking about the 16 National Electric Code, right?</p> <p><b>17 A. Right.</b></p> <p>18 Q. Okay. Now, tell us, what's the purpose of the 19 ground rod?</p> <p><b>20 A. It takes ground fault that you have -- if you 21 have ground faults in your house, it takes your grounds 22 to the ground.</b></p> <p>23 Q. In other words, the power is directed into the 24 ground rather than the house?</p> <p><b>25 A. Correct.</b></p>
<p style="text-align: right;">Page 130</p> <p><b>1 A. Sure. My nurse.</b></p> <p>2 Q. Okay.</p> <p><b>3 A. Yeah, I knew him -- I knew him when he had 4 this house, and I knew him when he bought that house.</b></p> <p>5 Q. Okay. Did -- did you -- did you go down and 6 look at that house before he purchased it?</p> <p><b>7 A. No.</b></p> <p>8 Q. Okay. When you went down there to work on it, 9 when he asked you to do the work on it, did you go 10 inside the house?</p> <p><b>11 A. Yes.</b></p> <p>12 Q. What did it look like in there?</p> <p><b>13 A. It's just a house that's been sitting there 14 for quite awhile. I don't think anybody has lived in 15 there in a while, but there was people that was living 16 in it. I think they was wrestlers, according to 17 Mr. Cude. I don't know that far back. And we went 18 around looking at the inside, outside. And I told him 19 he needed to replace that outside panel because that 20 was -- something -- a very bad panel box which needed to 21 be corrected.</b></p> <p>22 Q. Okay. Now, you say in your report here that 23 you installed a 200-amp Cutler hammer main panel, 24 correct?</p> <p><b>25 A. Correct.</b></p>	<p style="text-align: right;">Page 132</p> <p>1 Q. Okay. What section of the NEC, National 2 Electric Code, governs the grounding of a panel like 3 that with a ground rod?</p> <p><b>4 A. Article 250.</b></p> <p>5 Q. Okay. What type of rod is required?</p> <p><b>6 A. A 5/8 by 8 foot ground rod.</b></p> <p>7 Q. And where is it supposed to be installed?</p> <p><b>8 A. Right below the meter.</b></p> <p>9 Q. Did the old service entrance have a ground rod 10 installed?</p> <p><b>11 A. I don't think it did. It's got one now, or it 12 did have one. But it's still in the ground.</b></p> <p>13 Q. Well, that's what I was going to ask you. Did 14 you install a new -- a new ground rod?</p> <p><b>15 A. Yes.</b></p> <p>16 Q. Okay. So you put in a new panel in the same 17 location as the old one; is that correct?</p> <p><b>18 A. Correct.</b></p> <p>19 Q. Okay. Did you use the same weatherhead and 20 the same riser, or did you install new ones?</p> <p><b>21 A. Installed new.</b></p> <p>22 Q. Okay. How about the meter enclosure, did you 23 reuse the one that was there or you instill a new meter 24 enclosure?</p> <p><b>25 A. New -- new one.</b></p>

<p>1     Q. Okay. Was the meter still inserted in the 2 meter enclosure when you started working on it?</p> <p>3     <b>A. It was removed from AEP.</b></p> <p>4     Q. So you're telling me AEP had come out and 5 removed the meter?</p> <p>6     <b>A. Right.</b></p> <p>7            MR. SCHAUER: Okay. Now, let me ask. 8 Jonathan, will you go to Exhibit 3, please?</p> <p>9            THE VIDEOGRAPHER: Yes, just a second.</p> <p>10      Q. (BY MR. SCHAUER) Okay. Do you remember, 11 we've looked at this Mr. Winkfein, correct?</p> <p>12      <b>A. Correct.</b></p> <p>13      Q. And this is a photo that Mr. Cude took of his 14 panel, right?</p> <p>15      <b>A. Right.</b></p> <p>16      Q. Okay. Can you tell if this -- right after you 17 installed it, or was it taken later, or do you know?</p> <p>18      <b>A. I don't know when he took that picture.</b></p> <p>19      Q. Okay. Well, just so we can get oriented for 20 the folks on the jury, the meter -- the meter enclosure 21 or some people call the meter can, is over here on the 22 right-hand side, correct?</p> <p>23      <b>A. Correct.</b></p> <p>24      Q. And so you're telling me that at the time you 25 put this in -- well, there's no meter because you put in</p>	<p>Page 133</p> <p>1 is that correct?</p> <p>2     <b>A. That's correct.</b></p> <p>3     Q. Okay. Now, you were talking about installing 4 the ground rod. Tell us how you installed and where you 5 installed that ground rod.</p> <p>6     <b>A. Right below that meter.</b></p> <p>7     Q. And how do you install it? What do you attach 8 to it?</p> <p>9     <b>A. I attached the ground wire that's coming out 10 of that meter, and I take it to a piece of conduit 11 fastened to the wall, and the ground rod itself I used 12 like I used for fence post drivers. I'd drive it down 13 so far with that and I use a sledge hammer to get it 14 down, within a couple inches of the service, and I 15 attach a ground flat to that ground wire to the ground.</b></p> <p>16     Q. Okay. The ground wire you attached to the 17 ground rod underneath the meter enclosure, we can't see 18 that in this photo, can we?</p> <p>19     <b>A. No.</b></p> <p>20     Q. Okay. Now, the two black wires we talked 21 about that go up to the top of the meter and loop 22 around, those are inserted into that surge protector; is 23 that correct?</p> <p>24     <b>A. That's going into a main 200-amp breaker. The 25 surge protector is going off another breaker inside that</b></p>	<p>Page 135</p>
<p>1     a new meter enclosure, right?</p> <p>2     <b>A. Right.</b></p> <p>3     Q. Okay. So the whole house was de-energized by 4 that time, right?</p> <p>5     <b>A. Right.</b></p> <p>6     Q. Do you know when the matter was pulled?</p> <p>7     <b>A. I think it was about the same day I put this 8 on. Just made a phone call and they come out and pulled 9 it.</b></p> <p>10     Q. Okay. So AEP came out and pulled the meter 11 because the meter belongs to them, right?</p> <p>12     <b>A. Right.</b></p> <p>13     Q. But everything else over here belongs to the 14 customer, correct?</p> <p>15     <b>A. Right.</b></p> <p>16     Q. Okay. Now, if we look in the -- at the bottom 17 we see there are three wires that are coming from the 18 meter enclosure into the new breaker box you installed, 19 correct?</p> <p>20     <b>A. Correct.</b></p> <p>21     Q. The two black wires that go up to the very 22 top, those are hot legs, right, those are hot wires.</p> <p>23     <b>A. Right.</b></p> <p>24     Q. And the green, this -- it's not very good on 25 this, but I think it's a green wire, is the ground wire;</p>	<p>Page 134</p> <p>1 panel.</p> <p>2     Q. Okay. Well, the surge protector is that thing 3 with the blue and red at the top, correct?</p> <p>4     <b>A. That top breaker is the main breaker for that 5 panel.</b></p> <p>6     Q. Okay.</p> <p>7     <b>A. That's not a surge protector.</b></p> <p>8     Q. Where is the surge protector located?</p> <p>9     <b>A. It's probably at the bottom of that panel box.</b></p> <p>10     Q. Oh, we can't see that either?</p> <p>11     <b>A. No.</b></p> <p>12     Q. Okay.</p> <p>13            MR. SCHAUER: Jonathan, can you scroll 14 up? Other way.</p> <p>15     Q. (BY MR. SCHAUER) I don't see anything in the 16 bottom there, Mr. Winkfein.</p> <p>17     <b>A. It's there; you just can't see it.</b></p> <p>18     Q. Well, you said it's on the bottom of the meter 19 -- excuse me, on the bottom of the breaker box?</p> <p>20     <b>A. It was. That -- that may have been installed 21 after that picture was taken.</b></p> <p>22     Q. Okay. But let's make sure I understand. So 23 if you'd -- you'd installed this surge protector at the 24 bottom, you'd lay it on the bottom of the meter box?</p> <p>25     <b>A. No.</b></p>	<p>Page 136</p>

	Page 137	Page 139
1     Q. I'm sorry, the breaker box.		1 back to Exhibit 2 which is the photo of the breaker box.
2 <b>A. It'd be under the breaker box.</b>		2                 THE VIDEOGRAPHER: Okay. Just a second.
3     Q. Okay.		3 This is Exhibit 2. I don't see a box in here.
4 <b>A. Your breaker is -- it goes to a breaker inside</b>		4                 MR. SCHAUER: And I was wrong. That's --
<b>5 that panel.</b>		5 that's the one I want. That's the one I want. I'm
6     Q. And is it connected to the wires that are		6 sorry.
7 coming in from the meter can?		7                 THE VIDEOGRAPHER: Okay, no problem.
8 <b>A. No. It just goes onto the bus bar inside that</b>		8     Q. (BY MR. SCHAUER) Okay. Okay. So I'm going
<b>9 panel.</b>		9 to go a little further down here now. The second
10    Q. Okay. And so how does the -- how does the		10 paragraph, Mr. Winkfein. You said while inspecting the
11 surge protector work?		11 house after the fire, I discussed discovered melted
12 <b>A. If you have any kind of surge, it is supposed</b>		12 triplex wires laying across the driveway. Said triplex,
<b>13 to trip that main breaker.</b>		13 it also landed upon one vehicle causing it to explode
14    Q. Okay. And the main -- tripping the main		14 and burn as well, along with a large wooden fence.
15 breaker cuts all the electricity to the household,		15                 When you observed this, was the triplex
16 correct?		16 still attached to the home?
17 <b>A. Correct.</b>		17 <b>A. They had a short piece where it had burned in</b>
18    Q. Okay.		<b>18 half.</b>
19    MR. SCHAUER: Jonathan, with you bring up		19    Q. So you're telling me it was not attached to
20 Exhibit 5, please?		20 the home because it burnt in half, correct?
21    THE VIDEOGRAPHER: Just a second. Okay.		21 <b>A. It was attached to the home, but it burned in</b>
22    Q. (BY MR. SCHAUER) Now, Mr. Winkfein, this is		<b>22 half when it had the fire from that triplex.</b>
23 some information I got off of Eaton's website, and it's		23    Q. And that's what I'm trying to understand.
24 talking about their whole house surge protectors.		24 When you went there and saw it the next day or whenever
25 That's what you installed, correct?		25 you went, I think you said a couple of days, the triplex
	Page 138	
1 <b>A. That's correct.</b>		Page 140
2     Q. And it says here in yellow, the Eaton surge		1 was no longer attached to the home, correct?
3 products are designed to provide protection at the point		2 <b>A. Correct.</b>
4 of entrance to the home. Excuse me.		3     Q. Okay. It -- but it was still attached to the
5                 Protection at this location can reduce		4 -- the service pole, correct?
6 surges entering the home to an acceptable level for your		5 <b>A. Part of it.</b>
7 home electronics and appliances. Is that what that		6     Q. Well, it was coming down the service pole and
8 says?		7 hanging on the ground, wasn't it?
9 <b>A. That's exactly what it says.</b>		8 <b>A. Yeah.</b>
10    Q. And the next one says, Installation of these		9     Q. Okay. Now, when you went over there to
11 devices at the service entrance panel, which is where		10 inspect the house, why did you go over there? Did
12 you installed it, correct?		11 Mr. Cude ask you to do that?
13 <b>A. Correct.</b>		12 <b>A. I just went over to see what the damage was.</b>
14    Q. Will provide surge protection for your entire		13    Q. Okay. Did you take any evidence or anything
15 home. Right?		14 from the fire scene?
16 <b>A. Right.</b>		15 <b>A. No.</b>
17    Q. Okay. So that was your intent for putting		16    Q. Okay. Were you with Mr. Cude when he took the
18 this in, was to protect that home from any electrical		17 breaker panel from the fire scene?
19 surges that came into the box, correct?		18 <b>A. No.</b>
20 <b>A. Correct.</b>		19    Q. And you were asked about what happened to the
21    Q. Okay. Let me ask you, did you suggest that to		20 individual breakers. You said they just burned up?
22 Mr. Cude, or did Mr. Cude request you put that in?		21 <b>A. Yes.</b>
23 <b>A. He requested that.</b>		22    Q. But when you were there that day the first
24    Q. Okay.		23 time, was the breaker panel there, or had he already
25    MR. SCHAUER: Jonathan, if you'll go now		24 taken it or do you remember?
		25 <b>A. I don't see him taking it that particular day,</b>

<p style="text-align: right;">Page 141</p> <p><b>1 and I wasn't looking -- I didn't see that panel laying 2 there at the time.</b></p> <p>3 Q. Okay.</p> <p><b>4 A. I was mainly in the part that burned down just 5 looking around through the rubble.</b></p> <p>6 Q. Okay. And I -- I guess I'm not sure what you 7 said. You didn't look for the breaker panel so you 8 don't know if it was still there that day?</p> <p><b>9 A. I don't know if it was or not.</b></p> <p>10 Q. Okay. All right. So we're going down a 11 little further and it says, When the service pole was 12 replaced some two months prior to the fire, the aerial 13 triplex was mechanically stretched beyond its limits.</p> <p>14 Okay?</p> <p><b>15 A. Okay.</b></p> <p>16 Q. Did you see the service pole being replaced 17 after the hurricane Harvey?</p> <p><b>18 A. Yes.</b></p> <p>19 Q. You were there when they were actually 20 replacing it?</p> <p><b>21 A. Yes.</b></p> <p>22 Q. And you were there when he was taking the 23 photos? Was that Mr. Cude taking the photos?</p> <p><b>24 A. Correct.</b></p> <p>25 Q. Okay. So you were there when it was being</p>	<p style="text-align: right;">Page 143</p> <p>1 Q. But you told him it was stretched too tight 2 you just told us.</p> <p><b>3 A. Yes. And he told me the same thing his self.</b></p> <p>4 Q. So he knew at that time right after the 5 replacement of the pole that there could have been 6 something wrong with the triplex. Is that what you're 7 telling me?</p> <p><b>8 A. He's telling me that something is wrong with 9 the triplex because it was stretched too long.</b></p> <p>10 Q. Okay. All right.</p> <p>11 MR. SCHAUER: Jonathan, if you'll go back 12 now to Exhibit 3, which is that photo, please.</p> <p>13 THE VIDEOGRAPHER: Okay.</p> <p>14 (BY MR. SCHAUER) All right. We're back at 15 Exhibit 3. We're looking at this -- this breaker box 16 that you installed, Mr. Winkfein.</p> <p>17 Now, the two black wires that are going 18 in the top here, okay --</p> <p><b>19 A. Correct.</b></p> <p>20 Q. -- are those Number 4?</p> <p><b>21 A. These two ought wires.</b></p> <p>22 Q. Okay. Two ought. Okay. The voltage between 23 one of those black wires and a ground is 120 volts, 24 right?</p> <p><b>25 A. Right.</b></p>
<p style="text-align: right;">Page 142</p> <p>1 replaced, and you're saying they replaced it, the one 2 that was there, because that one was there was rotten, 3 or was it because of the hurricane had damaged it?</p> <p><b>4 A. I think a little of both.</b></p> <p>5 Q. Okay. So were you there when they finished 6 replacing the pole and re-putting up the triplex?</p> <p><b>7 A. I was there when they had the pole installed.</b></p> <p><b>8 I come over there after they had the triplex already 9 stretched out.</b></p> <p>10 Q. Okay. You came over there later. How many 11 days later after the pole was installed?</p> <p><b>12 A. He installed about two or three days.</b></p> <p>13 Q. Okay. Did you notice anything unusual about 14 the triplex at that time?</p> <p><b>15 A. It was stretched too tight.</b></p> <p>16 Q. Did you tell anything -- did you tell Mr. Cude 17 about that?</p> <p><b>18 A. Yes.</b></p> <p>19 Q. What did he say?</p> <p><b>20 A. Nothing to me. I don't know if he got back 21 the day he came or not.</b></p> <p>22 Q. Okay. Would you have expected him to if he 23 had found a problem?</p> <p><b>24 A. If he ever found a problem and know what he's 25 looking at, he would have called AEP.</b></p>	<p style="text-align: right;">Page 144</p> <p>1 Q. The voltage between the two black wires is 2 240, right?</p> <p><b>3 A. Right.</b></p> <p>4 MR. SCHAUER: Jonathan, will you scroll 5 up to the bottom, please?</p> <p>6 THE VIDEOGRAPHER: Sure.</p> <p>7 (BY MR. SCHAUER) Now, do you see those white 8 -- white wires down here in the corner, in the bottom?</p> <p><b>9 A. Yeah.</b></p> <p>10 Q. What circuit in the house is that for?</p> <p><b>11 A. They used to go to an air conditioner, and 12 they're not -- they wouldn't splay [sic] that particular 13 air conditioner anymore, so they just rolled up.</b></p> <p>14 Q. Well, are they going anywhere into the house 15 or not?</p> <p><b>16 A. No, it was -- they was going to the outside 17 air conditioning unit around that conduit. It was 18 disconnected.</b></p> <p>19 Q. So you're not -- you aren't using these wires 20 for anything in his house after that.</p> <p><b>21 A. No.</b></p> <p>22 Q. Okay. All right. Just so we know that the 23 greatest voltage you can get into this house is 240 24 volts, right?</p> <p><b>25 A. Well, 240 volts is a flex (unintelligible) the</b></p>

<p>1 curve. It will go up a little bit and then come down a 2 little bit.</p> <p>3 Q. Well, it's 240 volts nominal. It may go up a 4 little bit, you know, five volts either way, correct?</p> <p>5 A. Correct.</p> <p>6 Q. But we're not going to get much over 240, 245 7 volts, right?</p> <p>8 A. That's the way it should be.</p> <p>9 Q. And that's because that's the service -- 10 that's what comes from the transformer, right?</p> <p>11 A. Right.</p> <p>12 Q. Okay.</p> <p>13 MR. SCHAUER: Okay. Jonathan, will you 14 go to Exhibit Number 6, please?</p> <p>15 THE VIDEOGRAPHER: Yes. Okay.</p> <p>16 Q. (BY MR. SCHAUER) Okay. You remember this -- 17 this photograph that we looked at earlier, Mr. Winkfein?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And I think this photo was taken by 20 Mr. Cude; is that correct?</p> <p>21 A. That would be correct.</p> <p>22 Q. Okay. Now, this is part of a distribution 23 system, correct?</p> <p>24 A. Correct.</p> <p>25 Q. Is this a delta or a Y distribution system?</p>	<p>Page 145</p> <p>1 it up and you signed it; is that correct?</p> <p>2 A. That's correct.</p> <p>3 Q. Okay. It doesn't have a date on it so I'm -- 4 I'm wondering if you know when you signed this.</p> <p>5 A. This has probably been -- this may not -- I'd 6 probably say about a year, two years ago.</p> <p>7 MR. SCHAUER: Okay. Jonathan, can you 8 scroll -- scroll down a little bit, please? All right.</p> <p>9 Right there. That's correct. Stop. Please. Thank 10 you.</p> <p>11 Q. (BY MR. SCHAUER) Now, this last paragraph on 12 this first page -- and I think you've told us you 13 inspected this whole house inside and out, correct?</p> <p>14 A. Correct.</p> <p>15 Q. And you replaced -- I thought you said you 16 replaced some of the switches and some of the 17 receptacles. Did you replace every one of them?</p> <p>18 A. No.</p> <p>19 Q. Okay. So this is -- this is not -- this is 20 not correct then, correct?</p> <p>21 A. Well, some of them did not need replacing.</p> <p>22 Some of them did.</p> <p>23 Q. Okay. But you didn't replace all of them in 24 the house, right?</p> <p>25 A. Right.</p>
<p>1 A. Y.</p> <p>2 Q. And it's Y because what?</p> <p>3 A. It's just got one line going to it that you 4 don't have no piling on this particular transformer.</p> <p>5 Q. But it's also got a ground, doesn't it?</p> <p>6 A. Yes.</p> <p>7 Q. And that's what makes it a Y distribution 8 system rather than a delta, correct?</p> <p>9 A. That and the windings in that transformer.</p> <p>10 Q. Okay. But this has -- this particular setup 11 is a Y distribution system with a ground, right?</p> <p>12 A. Right.</p> <p>13 Q. Okay. I want to go to your second report now.</p> <p>14 MR. SCHAUER: Jonathan, would you pull up 15 Exhibit Number 7?</p> <p>16 THE VIDEOGRAPHER: Okay, just a second.</p> <p>17 Okay.</p> <p>18 Q. (BY MR. SCHAUER) Okay. Mr. Winkfein, this is 19 your second report, correct?</p> <p>20 A. I recall seeing this, yes.</p> <p>21 Q. Okay. Well, actually, when did you write 22 this? Do you know?</p> <p>23 A. I didn't write it. I think Mr. Cude wrote 24 this and typed it up.</p> <p>25 Q. Okay. So he typed -- he -- he wrote it, typed</p>	<p>Page 146</p> <p>1 Q. Okay. And it says here you put in the surge 2 protector at the request of Mr. Cude; is that correct?</p> <p>3 A. That's correct.</p> <p>4 Q. Okay. All right. Now, you didn't replace any 5 of the Romex in the walls, right?</p> <p>6 A. Right.</p> <p>7 Q. Okay. So you used the same wiring, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. Did -- did he pay for all the material, 10 or did you have to buy it and get money back from him?</p> <p>11 A. I bought the wire at my supply house and Walt 12 reimbursed me on it.</p> <p>13 Q. It says at the very last sentence, I also 14 installed a Cutler hammer sub panel for the shop area. 15 And we -- we've sort of talked about that, haven't we?</p> <p>16 A. Yeah.</p> <p>17 Q. Okay. Why was the subpanel needed?</p> <p>18 A. As far as work area, he was going to install 19 some of the scenery in that area. The only thing I did 20 out there was hooked up an air compressor and added two 21 or three receptacles in that area where he can plug in 22 extension cords.</p> <p>23 Q. Well, I guess the question is why would he 24 have needed a subpanel? Why couldn't he have just used 25 the receptacles in the house?</p>

<p>1     A. He had equipment. He was going to have like 2 bandsaws, tablesaws. That's something you use outside. 3 You don't normally take that inside of a house.</p> <p>4     Q. Are you -- are you telling us the load was 5 going to be heavier out there?</p> <p>6     A. No, I'm telling you that you just don't use 7 that type of equipment inside of a house. You work -- 8 you use that out -- out in an area where it's not inside 9 the house. There's too much metal or dust lying around.</p> <p>10    Q. Okay. And you said that you hooked up an air 11 compressor and a bandsaw?</p> <p>12    A. Only thing I hooked up in that moment was a 13 air compressor and a couple of receptacles where he can 14 plug an extension in for his grills. That's the only 15 thing that was installed in that.</p> <p>16    Q. Did -- did you see a kiln in there?</p> <p>17    A. There was one there but it was not installed 18 or hooked up.</p> <p>19    Q. Okay. Do you know why there was a kiln in 20 there?</p> <p>21    A. He had bought a (unintelligible). He was 22 selling a lot of things since he moved.</p> <p>23    Q. Okay. Was the kiln an electric kiln?</p> <p>24    A. It was electric.</p> <p>25    Q. Was everything in the house electric?</p>	<p>Page 149</p> <p>1 inspect the house?</p> <p>2     A. They just check all the service is what they 3 do down at the meter. That's the only thing they 4 inspect.</p> <p>5     Q. You're saying the only thing they inspect is 6 at the meter. Is that what you just said?</p> <p>7     A. Correct.</p> <p>8     Q. Okay. And everything else beyond that you 9 inspected, correct?</p> <p>10    A. Correct.</p> <p>11    Q. Okay. Were you there when they plugged the 12 meter in?</p> <p>13    A. No, I wasn't.</p> <p>14    Q. Okay. Do you know what the tariff is?</p> <p>15    A. Tariff?</p> <p>16    Q. Have you ever heard of the tariff, utility 17 tariff?</p> <p>18    A. Not right offhand, no.</p> <p>19    Q. Okay. Okay. And I think you told us that 20 Live Oak County does not have an inspector for out in 21 the rural areas; is that correct?</p> <p>22    A. That's correct.</p> <p>23    Q. So no one inspected your work, right?</p> <p>24    A. Right.</p> <p>25    Q. Okay. Now, the second sentence says, I</p>
<p>1     A. Yes.</p> <p>2     Q. Was there any provision for any type of 3 natural gas or propane?</p> <p>4     A. I don't think so.</p> <p>5     Q. Okay.</p> <p>6        MR. SCHAUER: Jonathan, if you'll scroll 7 up, please. No, I'm sorry, down. I'm sorry, Jonathan. 8 Right there. No, no. I just want to get to the top. 9 That -- okay, that's good, right there.</p> <p>10    Q. (BY MR. SCHAUER) Right there. Right there. 11 Okay. Now, you say in this -- in this first full 12 paragraph that -- that AEP inspected the wiring and 13 installed a new meter into the structure. Do you see 14 that?</p> <p>15    A. Yeah.</p> <p>16    Q. Well, you know AEP doesn't inspect the 17 customer's equipment, correct?</p> <p>18    A. Correct.</p> <p>19    Q. So all AEP does is they come out, they make 20 sure their meter can looks good for the new meter and 21 they plug the new meter in, correct?</p> <p>22    A. That and they take -- make sure it's grounded 23 right.</p> <p>24    Q. Well, they don't inspect it. How are they 25 going to -- how are they going to do that if they don't</p>	<p>Page 150</p> <p>1 further inspected the existing meter panel. You mean 2 the meter enclosure?</p> <p>3     A. Yes.</p> <p>4     Q. Is that what that is? Okay. 5        And determined that the wires inside 6 protruding into the weatherhead had been present for 7 many years and showed signs of corona. Do you see that?</p> <p>8     A. Yes.</p> <p>9     Q. Now, we talked about the maximum voltage 10 gradient in these areas is 240 volts face-to-face, 11 correct?</p> <p>12    A. Correct.</p> <p>13    Q. Is it your testimony that corona effects occur 14 at these voltages?</p> <p>15    A. They affected any voltage.</p> <p>16    Q. Any voltage. Doesn't have to be high voltage. 17 It's your testimony that corona can be established at 18 any voltage; is that correct?</p> <p>19    A. That's correct.</p> <p>20    Q. Okay. Now, you say you replaced the wiring 21 from the meter up through the weatherhead.</p> <p>22    A. Right.</p> <p>23    Q. And this is before the meter was installed, 24 correct?</p> <p>25    A. Correct.</p>

<p style="text-align: right;">Page 153</p> <p>1 Q. Okay. And then you talk about reconnecting 2 the wires coming out of the weatherhead with the 3 triplex; is that correct?</p> <p><b>4 A. That's correct.</b></p> <p>5 Q. So when you did that, you're connecting 6 energized wires into the weatherhead, correct?</p> <p><b>7 A. Correct.</b></p> <p>8 Q. Do you always do that? Do you always connect 9 the customer's wiring directly to the utility's hot 10 lines?</p> <p><b>11 A. On some occasions I do. And other cases I</b> <b>12 don't.</b></p> <p>13 Q. Okay. Is it ever -- anyone ever pointed out 14 to you that you're not supposed to touch the utility's 15 lines?</p> <p><b>16 A. It just depends what I'm working on at the</b> <b>17 time. I'll get their permission from the power company.</b></p> <p>18 Q. Did you get your permission from AEP in 19 this -- in this case?</p> <p><b>20 A. Yes.</b></p> <p>21 Q. Who did you talk to?</p> <p><b>22 A. I can't recall.</b></p> <p>23 Q. You got on the phone and you called AEP and 24 said, I'm going to hook your lines up to this house?</p> <p><b>25 A. Yes. I don't know who I talked to.</b></p>	<p style="text-align: right;">Page 155</p> <p>1 Q. (BY MR. SCHAUER) So I want to focus now on 2 that -- on that top paragraph here. While inspecting 3 the house after the fire, I discovered melted triplex 4 wires laying across the lawn and the driveway. I also 5 saw the triplex which was connected to this weatherhead 6 melted, broken, and bent over what was left of his 7 house.</p> <p>8 Now, you told us before that the triplex 9 melted in two, correct?</p> <p><b>10 A. Correct.</b></p> <p>11 Q. So you've got half of it laying over by the 12 pole and half of it laying over by his weatherhead; is 13 that correct?</p> <p><b>14 A. That is correct.</b></p> <p>15 Q. Okay. And then when you stay that the triplex 16 melted and fell from the house and on his vehicle, 17 you're talking about the part of the triplex that was 18 still connected to the service pole, correct?</p> <p><b>19 A. It was connected to AEP's pole, yes.</b></p> <p>20 Q. Because otherwise, the rest of the house is 21 not energized anymore, correct?</p> <p><b>22 A. Correct.</b></p> <p>23 Q. Now, I think you told us you didn't take any 24 photos. All the photos we've seen were Mr. Cude's, 25 right?</p>
<p style="text-align: right;">Page 154</p> <p>1 Q. And was the meter already installed?</p> <p><b>2 A. I didn't have -- it was installed at the time.</b></p> <p><b>3 I didn't pull the meter out.</b></p> <p>4 Q. Well, you told us the meter had been pulled 5 before you did all your upgrades, correct?</p> <p><b>6 A. Yes. And that's when I -- they came out and</b> <b>7 pulled the meter out. They didn't disconnect the lines</b> <b>8 up on top. Could hardly see what the wires looked like.</b></p> <p>9 Q. But you said you disconnected them, correct?</p> <p><b>10 A. I disconnected them, correct.</b></p> <p>11 Q. And then you correct -- and the meter is now 12 in the meter can, correct?</p> <p><b>13 A. Not at that time.</b></p> <p>14 Q. Well, how -- how -- how much later after you 15 connected those wires at the top of the weatherhead did 16 the meter get reinstalled?</p> <p><b>17 A. I think that same day.</b></p> <p>18 Q. But you didn't ask the people from AEP to 19 disconnect or unconnect -- excuse me -- disconnect or 20 reconnect the triplex to the weatherhead wires. Is that 21 what you're telling us?</p> <p><b>22 A. That is correct.</b></p> <p>23 MR. SCHAUER: Okay. Jonathan, if you'll 24 scroll down a little bit this time. There you go. 25 Right there. Right there. That's okay.</p>	<p style="text-align: right;">Page 156</p> <p>1 <b>A. Right.</b></p> <p>2 Q. Were you there when he -- the first day you 3 were there after the fire, was he there?</p> <p><b>4 A. Yes.</b></p> <p>5 Q. Did you suggest to him that he hire a fire 6 expert to determine the cause and origin of the fire?</p> <p><b>7 A. No.</b></p> <p>8 Q. So let me ask you again. Explain to us how 9 the fire actually started.</p> <p><b>10 A. The wire -- the fire started in that triplex.</b></p> <p><b>11 It was on the wire. The insulation was coming off</b> <b>12 with -- appears to me, and they all bonded together.</b></p> <p><b>13 And you had 240 volts going into each 120-volt line. It</b> <b>14 melted that meter out of there, because those are</b> <b>15 plug-in heaters, but the neutral wire had 240 volts</b> <b>16 going through it. That's a solid bar that goes through</b> <b>17 that and it goes into that panel box. That ignited</b> <b>18 everything inside that panel box and burned everything.</b></p> <p><b>19 It was sending electric through all those conductors,</b> <b>20 ran circuits going throughout his house.</b></p> <p>21 Q. Okay. So did you determine that the fire 22 started in the breaker panel?</p> <p><b>23 A. No, it started out in the yard.</b></p> <p>24 Q. Okay. It didn't start inside the house.</p> <p><b>25 A. Correct.</b></p>

<p>1     Q. It started in -- in -- in the -- in the      2 yard. Is that what you're telling us?</p> <p>3     <b>A. Yeah.</b></p> <p>4     Q. Okay. And that -- and you said that's because      5 the triplex wires arc between themselves, correct?</p> <p>6     <b>A. Correct.</b></p> <p>7     Q. Which means the insulation on the wires had to      8 have been broken down and allow the wires to arc, right?</p> <p>9     <b>A. Right.</b></p> <p>10        MR. SCHAUER: Okay. So if you'll scroll      11 down again now, Jonathan, please. Okay, right there.      12 Good. Okay.</p> <p>13        Q. (BY MR. SCHAUER) Okay. So you say in the      14 first paragraph here that the arcing started about 20      15 feet from the connection, I guess to the weatherhead; is      16 that correct?</p> <p>17        <b>A. That's correct.</b></p> <p>18        Q. And how did you determine that?</p> <p>19        <b>A. Just where the triplex come down at -- what      20 was left of it.</b></p> <p>21        Q. Okay. And -- and then -- again, this is where      22 you talk about it was replaced two months before the      23 fire and it was stretched and while replacing the      24 existing wires from the old pole to the new pole it --      25 it stretched and I guess cracked the wires?</p>	<p>Page 157</p> <p>1 also when you're talking about the stretching of the --      2 of the triplex, that it was plain to see from the      3 photographs Mr. Cude showed me.</p> <p>4           Now, is one of those photographs the one      5 we looked at a little while ago where the guys are up      6 there installing a new pole?</p> <p>7        <b>A. Correct.</b></p> <p>8        Q. And -- and the way -- and so you're telling me      9 from that -- from that shot you can see the wires --      10 excuse me, the insulation cracked on that triplex?</p> <p>11        <b>A. I can't see that, no, I can't.</b></p> <p>12        Q. Okay. So from those photographs, what gives      13 you the impression that they were stretched to the point      14 that they had actually cracked or fallen off the      15 insulation?</p> <p>16        <b>A. They was stressed too tight. That distance      17 should have at least a two-inch -- or two-foot loop in      18 that thing where it was drooping down, going in not a      19 straight shot because of the wind in this area.</b></p> <p>20        Q. Are you talking about a sag?</p> <p>21        <b>A. Yes.</b></p> <p>22        Q. Okay. But I want to make sure we understand.      23 The only reason you think that this triplex was cracked      24 and the insulation might have been falling off was      25 because in those photos you see it -- you see it</p>
<p>Page 158</p> <p>1     <b>A. That wire has been there since I don't know      2 when. According to the transformer, the transformer was      3 built in 1964. And I don't know how long that triplex      4 has been there. I have no data on that.</b></p> <p>5     Q. Well, do you know when the transformer was set      6 on that pole?</p> <p>7     <b>A. I have no idea. I didn't live here at that      8 time.</b></p> <p>9     Q. Okay. What makes you think they didn't      10 replace the triplex at the time they replaced the pole?</p> <p>11     <b>A. Walt Cude was here when they replaced it, the      12 pole, but they did not replace the triplex.</b></p> <p>13     Q. Have you seen -- I'm sorry, go ahead.</p> <p>14     <b>A. He was watching them when they was doing it.</b></p> <p>15     Q. Have you seen the -- the records that have      16 been produced by AEP concerning the replacement of the      17 pole?</p> <p>18     <b>A. No.</b></p> <p>19     Q. If they had a bill of material that listed the      20 triplex in there, would you agree -- would you agree      21 with me that they replaced the triplex then?</p> <p>22     <b>A. I would agree with you, but I haven't seen      23 anything.</b></p> <p>24     Q. That's fair enough. I understand.</p> <p>25     Now, you -- you told us in this report</p>	<p>Page 160</p> <p>1 stretched pretty tight, correct?</p> <p>2     <b>A. Correct.</b></p> <p>3     Q. That wasn't a problem until two months later      4 and I think you mean the night of the fire, correct?</p> <p>5     <b>A. Correct.</b></p> <p>6     Q. Okay. And you say that because the night of      7 the fire there were gale force winds beginning to blow,      8 correct?</p> <p>9     <b>A. I wasn't up at that hour.</b></p> <p>10     Q. Well, I guess my question is how do you know      11 gale force winds were blowing?</p> <p>12     <b>A. I have no idea about that. I wasn't up at      13 that time of day. I never said there was gale force      14 winds up there.</b></p> <p>15     Q. Well, let's look at this paragraph here, the      16 second paragraph on the screen. It says, The moment two      17 months later when gale force winds began blowing the      18 wires around, the faults in the wire/insulation suddenly      19 affected themselves and began to arc and spark.</p> <p>20        Now that's in your -- that's in your      21 report that you signed. Are you telling me today you      22 have no idea of any -- how strong the winds were that      23 night?</p> <p>24     <b>A. I don't know how strong those winds are at      25 night.</b></p>

<p style="text-align: right;">Page 161</p> <p>1 Q. Okay. And you told us that Mr. Cude wrote 2 this for you to sign, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Did you read this before you signed it?</p> <p>5 A. I pretty much went through everything.</p> <p>6 Q. Well, did you tell him that's not true, I 7 don't know anything about gale force winds?</p> <p>8 A. I don't know about the gale force winds part. 9 I just skimmed through it all.</p> <p>10 Q. Okay. All right.</p> <p>11 A. He's speaking of the gale force winds when 12 hurricane Harvey came through.</p> <p>13 Q. Well, that was two months prior, correct?</p> <p>14 A. I don't know specifically what date that was.</p> <p>15 Q. Okay. So let me make sure I understand. So 16 the -- so the -- the winds didn't have anything to do 17 with your theory that the arcing occurred in the 18 triplex; is that correct?</p> <p>19 A. That's correct.</p> <p>20 Q. Now, this fire started about 4 a.m. in the 21 morning, correct?</p> <p>22 A. That's what I was told.</p> <p>23 Q. Okay. Do you know what the wind speed was at 24 4 o'clock in the morning that day?</p> <p>25 A. I don't know.</p>	<p style="text-align: right;">Page 163</p> <p>1 Q. Well, let me ask you, did this arc on the 2 triplex occur between an energized phase in the 3 neutral --</p> <p>4 A. Yes.</p> <p>5 Q. -- or between two -- or between two energized 6 phases?</p> <p>7 A. All three of them.</p> <p>8 Q. Simultaneously or one -- did one happen 9 first?</p> <p>10 A. One probably started first and it got the 11 other one ignited. They was all bonded together.</p> <p>12 Q. Okay. So if you know the impedance, you know 13 the voltage, you can calculate the amperage, correct?</p> <p>14 A. Correct.</p> <p>15 Q. Did you try to do that?</p> <p>16 A. No.</p> <p>17 Q. Okay. So you have no idea what current was 18 flowing to the ground and through that breaker panel, 19 correct?</p> <p>20 A. Correct.</p> <p>21 Q. So let me ask you this. If the electricity 22 went into Cude's house through the meter and through the 23 breaker panel that you installed, why didn't the surge 24 protector do its job and save the house?</p> <p>25 A. It all burned up. You had 240 volts going</p>
<p style="text-align: right;">Page 162</p> <p>1 Q. Okay.</p> <p>2 A. I don't get up at that time of day.</p> <p>3 Q. Okay. And then you say here that the arcing 4 caused the electricity to go to the nearest ground, and 5 you said that was Cude's ground rod; is that correct?</p> <p>6 A. That is correct.</p> <p>7 Q. Okay. What kind of amperage are we talking 8 about that was now flowing?</p> <p>9 A. You've got approximately 240 volts going to 10 ground, and it's going to that main which is -- I'm 11 pretty much sure that tripped that main breaker, but the 12 transformer was not -- that was a constant power going 13 to that. That transformer did not trip. He had a 14 constant power going into that meter and that panel box 15 and that's what caused that fire.</p> <p>16 Q. Well, you didn't answer my question. What 17 kind of amperage, not voltage, amperage are we talking 18 about and that arcing being -- causing?</p> <p>19 A. I don't think he was using that much amperage 20 at that time of night.</p> <p>21 Q. Well, let me ask you, did you calculate what 22 amperage it would have taken?</p> <p>23 A. There wasn't no amperage really involved. And 24 I think the only thing he had going on at the time was a 25 heater.</p>	<p style="text-align: right;">Page 164</p> <p>1 into that house. Amperage didn't have a -- anything to 2 do with this. It was the voltage.</p> <p>3 Q. I'm going to ask it again. Why didn't the 4 surge protector do its job?</p> <p>5 A. It was on fire from 240 volts coming from the 6 triplex and AEPs feeding into that panel box, and it 7 burned -- melted everything in that box.</p> <p>8 Q. Well, did you install the surge protector 9 correctly?</p> <p>10 A. Yes.</p> <p>11 Q. Could it have malfunctioned?</p> <p>12 A. No.</p> <p>13 Q. Did you look at it after the fire?</p> <p>14 A. There was nothing left of anything.</p> <p>15 Q. Okay. Well, you told us earlier that this was 16 a surge in electricity that went into his house, 17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. And we looked at all the information on the 20 surge protector, and it said it's there to protect the 21 house from that.</p> <p>22 A. That's on two phases that plugs in -- two 23 phases that's on like a too full 50-amp breaker. It's 24 on two phases of that, in that panel box. But you've 25 got that voltage going through that -- from that meter</p>

<p style="text-align: right;">Page 165</p> <p>1 going into that panel box. Everything is on fire. Then      2 it seeped through the 110 circuits that was plugged into      3 that circuit box. And it just melted everything.</p> <p>4 Q. Well, let's -- let's do this. We can agree on      5 this: The surge protector did nothing to protect the      6 house, correct?</p> <p>7 A. Apparently not.</p> <p>8 Q. Okay. Now, can you tell me what methodology      9 you have used to determine the cause of this fire?</p> <p>10 A. I've already said it started on the triplex.</p> <p>11 Q. No. I understand you gave us your      12 explanation. But can you describe what you went through      13 to get there?</p> <p>14 A. I seen what was left of the triplex that was      15 melted down at Walt's house that burned down, and I seen      16 what happened to Walt's truck in the driveway. That was      17 melted triplex.</p> <p>18 Q. Are you familiar with NFPA 921?</p> <p>19 A. I haven't looked at it recently, no.</p> <p>20 Q. Do you know what it is?</p> <p>21 A. You tell me.</p> <p>22 Q. No, I want -- I want to know if you know what      23 it is. If you don't, just tell me you don't know what      24 it is.</p> <p>25 A. I know what NEC is.</p>	<p style="text-align: right;">Page 167</p> <p>1 transformer, it's got a fuse inside the transformer in a      2 breaker, and it did not have a cutout fuse on that      3 transformer.</p> <p>4 Q. Well, we're going to talk about that in a      5 minute, but do you know what a CSP transformer is?</p> <p>6 A. They got different types of transformers.</p> <p>7 Q. No, I'm asking a specific, a CSP, do you know      8 what that stands for?</p> <p>9 A. No, I don't.</p> <p>10 Q. Okay. It stands for completely      11 self-protected.</p> <p>12 A. All right.</p> <p>13 Q. Have you ever had to deal with a CSP      14 transformer before?</p> <p>15 A. Yes, I have.</p> <p>16 Q. Where?</p> <p>17 A. It was in an establishment. It was an      18 industrial establishment. I think it was in Houston.</p> <p>19 Q. Okay. So you're -- you're talking about some      20 -- some customer had a CSP transformer?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. So now you know what a CSP transformer      23 is; is that correct?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. First of all let me ask, you've never</p>
<p style="text-align: right;">Page 166</p> <p>1 Q. No, sir, I'm talking about NFPA 921.</p> <p>2 A. No.</p> <p>3 Q. Okay. How did you eliminate other causes of      4 the fire?</p> <p>5 A. Because it was still energized when it came      6 down on Walt's truck, and that transformer did not trip.</p> <p>7 Q. Well, my question, though, is, what did you do      8 to eliminate other causes, or did you just decide when      9 you saw the evidence, that's how it happened?</p> <p>10 A. When I looked at the evidence, when I seen      11 aftereffects, that's when I decided that was the triplex      12 that caused that. If that transformer would have      13 tripped, there would have been no -- that triplex      14 wouldn't have no -- wouldn't have been energized and it      15 would not have burned his truck down.</p> <p>16 Q. So observing that morning the fire scene, you      17 decided that that is what caused the fire --</p> <p>18 A. That's what I --</p> <p>19 Q. -- without really going and eliminating      20 anything else; is that correct?</p> <p>21 A. That's correct.</p> <p>22 Q. Okay. Now, you say in your report that the      23 transformer didn't have a fuse, but you know that's      24 wrong, correct?</p> <p>25 A. According to the nameplate on that</p>	<p style="text-align: right;">Page 168</p> <p>1 worked for an electric utility, have you?</p> <p>2 A. No.</p> <p>3 Q. Okay. Have you ever installed a CSP      4 transformer?</p> <p>5 A. I've installed them for customers but that was      6 bars and grills.</p> <p>7 Q. Well, you installed them for a customer on a      8 private piece of property, correct?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. So CSP transformer has an internal      11 fuse, correct?</p> <p>12 A. It's got an internal fuse on the line side and      13 it's got a breaker on the secondary side.</p> <p>14 Q. Right. It's also got a lightning arrestor      15 mounted externally on the tank on the high side,      16 correct?</p> <p>17 A. Correct.</p> <p>18 Q. Where is the closest line fuse feeding that      19 transformer? Since you and Mr. Cude have driven the      20 lines, where is it?</p> <p>21 A. I can't find one.</p> <p>22 Q. Okay. Let me ask you, how far is South Vista      23 Drive and Buffalo Trail from that location?</p> <p>24 A. It's probably about three-quarters of a      25 mile.</p>

<p>1     Q. Okay. And are you telling us you didn't see a 2 line fuse down there?</p> <p><b>3     A. That's what I'm telling you.</b></p> <p>4     Q. Okay. So it's either there or it's not. 5 That's pretty easy to find. But, okay, if it's there, 6 then it would have been protected by a cutout, correct?</p> <p><b>7     A. Yes, it should have a line or printout on that 8 transformer itself.</b></p> <p>9     Q. No, sir, that's on a regular transformer, not 10 on a CSP transformer. Or do you know that?</p> <p><b>11    A. A CPS, what you're saying, that should have 12 protected that transformer.</b></p> <p>13    Q. But a CSP has its own internal cutout, doesn't 14 it?</p> <p><b>15    A. That's correct. At this point, apparently did 16 not work.</b></p> <p>17    Q. Well, we'll get to that in a minute. But you 18 said that it wasn't protected by a fuse, but it was, not 19 only inside the tank but also down at three-quarters 20 mile a way that was a fuse cutout, wasn't there?</p> <p><b>21    A. I did not see one at the time.</b></p> <p>22    Q. Okay. All right. You also say that the 23 transformer wasn't grounded, but you know that's wrong, 24 correct?</p> <p><b>25    A. I know the transformer was grounded, but it</b></p>	<p>Page 169</p> <p>1     Q. Okay. So you're telling us, first of all, 2 that the wire that -- that ground wire is the wrong 3 size?</p> <p><b>4     A. It's the wrong size.</b></p> <p>5     Q. All right. How can you -- how can you prove 6 to us it's the wrong size?</p> <p><b>7     A. There's two wires. This is a number 8 wire. 8 This is a number 4 wire. AEP requires all the service 9 to be done with a number 4 gauge wire. See the 10 difference in sizes?</b></p> <p>11    Q. Well, let me ask you a question. Is that 12 stranded wire or hard-drawn copper?</p> <p><b>13    A. It's stranded.</b></p> <p>14    Q. Stranded, correct?</p> <p><b>15    A. That's correct.</b></p> <p>16    Q. Okay. Where do you get that AEP requires it's 17 got to be a number 4 wire?</p> <p><b>18    A. It says that in there, what they require.</b></p> <p>19    Q. Are you talking about the meter installation 20 manual?</p> <p><b>21    A. That's correct.</b></p> <p>22    Q. The meter installation manual applies to the 23 customer's ground, right?</p> <p><b>24    A. Right, and also --</b></p> <p>25    Q. Up to -- up to the utility ground, right?</p>	<p>Page 171</p>
<p><b>1     A. If you look at the NEC grounding, it will also 2 say a number 4.</b></p> <p>2     Q. Okay. First of all, it's grounded to the 3 system neutral, correct?</p> <p><b>4     A. Yes.</b></p> <p>5     Q. Are you saying that's -- that's incorrect?</p> <p><b>6     A. That wire, that ground wire was wrong size 7 ground wire. And that ground wire that they had on that 8 was all corroded up; it wasn't making a good ground.</b></p> <p>9     Q. Well, let's -- let's -- let's back up. You're 10 talking about the ground wire that goes down the pole, 11 correct?</p> <p><b>12    A. Ground wire going down the pole, correct.</b></p> <p>13    Q. What I said was, the transformer is connected 14 to the system neutral at the top of the pole, correct?</p> <p><b>15    A. It's bonded together, yes.</b></p> <p>16    Q. Right. And it's actually -- goes in and 17 attaches to the system neutral.</p> <p><b>18    A. Yes.</b></p> <p>19    Q. And that's through the secondary neutral 20 ground strap, correct?</p> <p><b>21    A. Yes.</b></p> <p>22    Q. Okay. And then the transformer case is also 23 attached to the ground wire you're talking about that 24 runs down to the bottom of the pole, correct?</p> <p><b>25    A. Correct.</b></p>	<p>Page 170</p> <p><b>1     A. If you look at the NEC grounding, it will also 2 say a number 4.</b></p> <p>3     Q. You know what, let's go to the NEC right now. 4 Have you got your NEC with you?</p> <p><b>5     A. I think I do.</b></p> <p>6     Q. You have the whole thing?</p> <p><b>7     A. I think I do.</b></p> <p>8     Q. All right. I want you to go to the 9 introduction which is Article 90. Tell me when you get 10 there.</p> <p><b>11    A. I am here at Article 90.</b></p> <p>12    Q. You see 90.-2 which says scope?</p> <p><b>13    A. Yes.</b></p> <p>14    Q. Do you see A says covered?</p> <p><b>15    A. Yes.</b></p> <p>16    Q. And B says not covered. Do you see that?</p> <p><b>17    A. Yes.</b></p> <p>18    Q. And B says this code does not cover -- go over 19 to number 5 and read that for us.</p> <p><b>20    A. Mandatory rules, permissive rules, and 21 (unintelligible) material.</b></p> <p>22    Q. You're on -- you're on --</p> <p><b>23    A. That's 90.5.</b></p> <p>24    Q. No, no, no, 90-2B5. You're still in number B 25 which is this code does not cover.</p>	<p>Page 172</p>

<p style="text-align: right;">Page 173</p> <p><b>1 A. Installations under this exclusive control of 2 an electrical utility for such installations.</b></p> <p>3 Q. That's right. It says right here in the first 4 part of the NEC, this code does not cover installations 5 under the exclusive control of electric utilities. 6 That's what it says, doesn't it?</p> <p><b>7 A. That's what it says.</b></p> <p>8 Q. The NEC has absolutely nothing to do with AEP 9 and its equipment, does it?</p> <p><b>10 A. It's supposed to go by the NEC. There's -- 11 should be going by their requirements.</b></p> <p>12 Q. No. This thing says it doesn't cover the 13 utilities installation, doesn't it?</p> <p><b>14 A. It also says in here it's got the authority of 15 the jurisdiction.</b></p> <p>16 Q. No, sir. The NEC, the book itself says it is 17 not -- does not cover the utilities installation.</p> <p><b>18 A. That's incorrect.</b></p> <p>19 Q. Well, I thought you just read it for us.</p> <p><b>20 A. I just read that, but it's still not correct 21 the way it's been installed.</b></p> <p>22 Q. Well, it's not installed according to the NEC, 23 is it?</p> <p><b>24 A. Nope.</b></p> <p>25 Q. Okay. So how do you know it's incorrect,</p>	<p style="text-align: right;">Page 175</p> <p>1 Q. (BY MR. SCHAUER) Okay. Mr. Winkfein, we took 2 a break, and one of the things you talked about at 3 length is your opinion that the transformer 4 malfunctioned because you've seen these -- the 5 parking -- it looks like evidence of parking on the 6 triplex, correct?</p> <p><b>7 A. Correct.</b></p> <p>8 Q. Okay. Well, let me ask you a question. Let's 9 say some guy had decided to have a party out there and 10 he built him a big fire underneath that triplex, and he 11 lit that sucker and the flames started licking the 12 triplex. What's going to happen?</p> <p><b>13 A. It's going to burn that triplex.</b></p> <p>14 Q. Well, it's going to burn through the 15 insulation first, right?</p> <p><b>16 A. Right.</b></p> <p>17 Q. And then the insulation, once it's gone, those 18 conductors are going to start arcing, correct?</p> <p><b>19 A. Correct.</b></p> <p>20 Q. And you're going to have arcing like you 21 described until that thing finally melts in two and 22 separates, correct?</p> <p><b>23 A. Correct.</b></p> <p>24 Q. Okay. If -- if something like that would 25 happen, in that case the damaged triplex would have been</p>
<p style="text-align: right;">Page 174</p> <p>1 then, if it doesn't even have to comply with the NEC?</p> <p><b>2 A. It was properly installed. This is by what 3 I've seen and what I've -- basically what I've seen.</b></p> <p>4 Q. But you're saying that because you're 5 comparing that with the requirements of the NEC, 6 correct?</p> <p><b>7 A. Correct.</b></p> <p>8 Q. And we know now that the NEC itself says it 9 doesn't cover electrical utility installations.</p> <p><b>10 A. Well, that's what it's saying there in Article 11 90.</b></p> <p>12 Q. Okay.</p> <p>13 MR. SWALLOW: Hey, Don, why don't we take 14 a quick break?</p> <p>15 MR. SCHAUER: Well, let me -- let me just 16 finish this part. Okay?</p> <p>17 MR. SWALLOW: All right. Bill, are you 18 feeling all right?</p> <p><b>19 THE WITNESS: I'm ready for a break.</b></p> <p>20 MR. SCHAUER: Okay, let's take a break.</p> <p>21 THE VIDEOGRAPHER: The time 2:55 p.m. We 22 are off the record.</p> <p>23 (Break from 2:55 to 3:13 p.m.)</p> <p>24 THE VIDEOGRAPHER: The time is 3:13 p.m. 25 We are now on the record.</p>	<p style="text-align: right;">Page 176</p> <p>1 a result of the fire, not the cause of the fire, 2 correct?</p> <p><b>3 A. Well --</b></p> <p>4 Q. Well, how would it be the cause if the fire 5 underneath if melted it?</p> <p><b>6 A. If -- well, first place, there wasn't no fire 7 underneath of it.</b></p> <p>8 Q. No, I told you to assume that for me. I 9 didn't -- I didn't -- I'm not arguing with you. I'm 10 just saying assume that. What would happen if that -- 11 if that occurred? And I think you told me the fire 12 would melt the triplex insulation and you would have a 13 bunch of arcing, right?</p> <p><b>14 A. That's correct.</b></p> <p>15 Q. Okay. Now, I asked you earlier what magnitude 16 of amperage would it have taken to start this fire, and 17 you told me you didn't know and you didn't try to 18 calculate it. Correct?</p> <p><b>19 A. Correct.</b></p> <p>20 Q. So if that's true, how do you know that the 21 amperage got high enough to open the fuses in the 22 transformer or on the lines?</p> <p><b>23 A. Because the voltage.</b></p> <p>24 Q. Okay. Let's talk about that. What causes a 25 breaker to open, voltage or amperage?</p>

<p>1   <b>A. Both.</b></p> <p>2   Q. Voltage you said?</p> <p>3   <b>A. Voltage and amperage.</b></p> <p>4   Q. Well, the amperage, the flow of the amperage 5 is what causes a breaker to trip, correct?</p> <p>6   <b>A. That's normally, unless it's got a fault.</b></p> <p>7   Q. Well, what's -- what's written on a breaker? 8 Just take a regular breaker in everybody's house. 9 What's it say?</p> <p>10   <b>A. It says it -- like on single pole, 20-amp 11 breakers.</b></p> <p>12   Q. 20 amps, that -- that's current, right, that's 13 amperage?</p> <p>14   <b>A. That's amperage.</b></p> <p>15   Q. And so what happens is, if the amperage gets 16 higher than 20 or the current gets higher than 20 amps, 17 that thing is supposed to open up and kill the power, 18 right?</p> <p>19   <b>A. That's correct, unless you have a ground 20 fault.</b></p> <p>21   Q. Well, the same thing with a fuse, an external 22 fuse. What makes a fuse blow is excess amperage, 23 correct?</p> <p>24   <b>A. Amperage and ground fault.</b></p> <p>25   Q. Well, the voltage has nothing to do with it.</p>	<p>Page 177</p> <p>1   Q. But you told me you don't know how much 2 current was flowing, right?</p> <p>3   <b>A. No, I don't.</b></p> <p>4   Q. And so the breakers and the fuses are all 5 rated to open at a certain current, correct?</p> <p>6   <b>A. At a certain current or you have a ground 7 fault.</b></p> <p>8   Q. Well, a ground fault is what causes the 9 current to flow, right?</p> <p>10   <b>A. Unless you have a ground going across a hot 11 wire, it will open up that ground wire regardless if you 12 got amperage going through it or not.</b></p> <p>13   Q. Well, no. If you have a -- if you have a wire 14 touching a neutral, that's a direct fault, isn't it?</p> <p>15   <b>A. That is correct.</b></p> <p>16   Q. And that's going to cause a lot of current to 17 flow, correct?</p> <p>18   <b>A. That's what's going to happen is they're going 19 to have a hot wire and a ground touching together, and 20 that's going to make a ground fault and it will open it 21 up.</b></p> <p>22   Q. That's right, because there's a lot of current 23 flowing through a direct fault?</p> <p>24   <b>A. It doesn't need any current. It just has to 25 touch together.</b></p>
<p>Page 178</p> <p>1 You could have 100,000 volts across it, but if there's 2 no amps going through the fuse, it's never going to open 3 up, is it?</p> <p>4   <b>A. It will open up, have a ground fault.</b></p> <p>5   Q. Well, if there's a ground fault, that means 6 there's going to be amperage and current going through 7 the fuse, correct?</p> <p>8   <b>A. You'll have some and it doesn't take much.</b></p> <p>9   Q. Well, that's what it takes to open the fuse 10 and the breaker is the amperage, correct?</p> <p>11   <b>A. It will open up that except for ground fault, 12 will open -- close that -- open up that breaker.</b></p> <p>13   Q. Well, the ground fault causes the flow of 14 current, correct?</p> <p>15   <b>A. Correct.</b></p> <p>16   Q. And it's the current that opens up the breaker 17 or the fuse, correct?</p> <p>18   <b>A. That's correct.</b></p> <p>19   Q. Okay. How do you know there was enough 20 current in the system to open up the fuse or the 21 breaker?</p> <p>22   <b>A. You had a bad ground fault.</b></p> <p>23   Q. But you don't --</p> <p>24   <b>A. Those conductors at the time was connected to 25 that service at the time.</b></p>	<p>Page 180</p> <p>1   Q. Okay. Let me make sure I understand for our 2 other experts. You're telling us that the current 3 doesn't open up the breaker or the fuse, has nothing to 4 do with that. Is that right?</p> <p>5   <b>A. That's not what I'm saying. I'm saying the 6 amperage will open up that breaker, that's correct. But 7 if you have a ground fault where your hot wire is 8 touching to a ground wire, that will also open up that 9 breaker.</b></p> <p>10   Q. That's because the amperage that occurs --</p> <p>11   <b>A. No, no, no.</b></p> <p>12   Q. Okay. Good enough. I just wanted to make 13 sure you're going to tell us that it's not the current 14 that opens up the breaker or the fuse.</p> <p>15   <b>A. I'm not saying that. I'm saying the current 16 and the voltage will do both of -- both of them will do 17 the same thing.</b></p> <p>18   Q. And you're saying the voltage will do it 19 whether there's current going through it or not.</p> <p>20   <b>A. That's correct.</b></p> <p>21   Q. Okay. That's all I wanted to make sure you 22 said. Okay.</p> <p>23   Now, we -- we talked about the evidence 24 you have that the transformer malfunctioned, and I 25 thought you said your evidence is the fact that the</p>

<p>1 house burned down; is that correct?</p> <p><b>2 A. That's correct.</b></p> <p>3 Q. Okay. Now, if there had been some malfunction 4 in the transformer, wouldn't you have expected the same 5 types of problems to occur to the neighbor's house?</p> <p><b>6 A. It was happening at the neighbor's house.</b></p> <p>7 Q. Okay. So the same thing would have happened 8 to the neighbor's house that was happening to Mr. Cude's 9 house, correct?</p> <p><b>10 A. Correct.</b></p> <p>11 Q. Okay. How about all the other residences on 12 that circuit? Would they have had to experience the 13 same problem?</p> <p><b>14 A. On that particular instance, this is just 15 going through the line side, and if it would have kept 16 on going, the neighbors would have had the same problem.</b></p> <p><b>17 His one neighbor was fixing to have a problem, but AEP 18 come out, pulled out the meter in his neighbor's house, 19 and cut the wires on it. So that stopped, eliminated 20 that problem.</b></p> <p>21 Q. Okay. Let's talk about that. How do you know 22 that?</p> <p><b>23 A. That's just what I been -- was told. I wasn't 24 there at the time.</b></p> <p>25 Q. Who told you that?</p>	<p>Page 181</p> <p>1 Q. Oh, it wasn't? You don't think the fire from 2 Mr. Cude's house was blowing into that line?</p> <p><b>3 A. No.</b></p> <p>4 Q. Okay. Good enough.</p> <p>5 You just think it arced over by itself 6 also, correct?</p> <p><b>7 A. It was going through that same line. They was 8 both coming out of that transformer.</b></p> <p>9 Q. Okay. And then if the AEP guy wasn't even 10 there, why didn't the neighbors house burn down?</p> <p><b>11 A. He was just taking a long time to get down to 12 the neighbor's house, making a trail?</b></p> <p>13 Q. It was taking a long time. What's the speed 14 of electricity? Do you know?</p> <p><b>15 A. I have no clue.</b></p> <p>16 Q. Do you know what the speed of light is?</p> <p><b>17 A. No.</b></p> <p>18 Q. Okay. But you're telling me if we waited long 19 enough, it would have burned down the neighbor's house?</p> <p><b>20 A. It would have.</b></p> <p>21 Q. Okay. Let me -- let me talk about your 22 background. Okay?</p> <p><b>23 A. All right.</b></p> <p>24 Q. You -- I think you told us that you had -- you 25 had taken courses at the University of Tennessee; is</p>
<p><b>1 A. The fire department.</b></p> <p>2 Q. Who in the fire department?</p> <p><b>3 A. Ron Meyers.</b></p> <p>4 Q. So if we depose Ron Meyers, he's going to tell 5 us that before they could even start fighting the fire, 6 AEP was over there pulling the meter on the neighbor's 7 house?</p> <p><b>8 A. They was out there at approximately the same 9 time.</b></p> <p>10 Q. That's what you've been told?</p> <p><b>11 A. That's what I was told.</b></p> <p>12 Q. Have you looked at any of the evidence that's 13 been provided in this case about when the AEP guy even 14 got to the scene?</p> <p><b>15 A. I have no idea when they got to the scene.</b></p> <p>16 Q. Well, if he got to the scene two hours after 17 the fire started, then he didn't pull the meter to save 18 the neighbor's house, correct?</p> <p><b>19 A. What I seen out there, the pole in the 20 neighbor's yard after it was burnt, and the neighbor, 21 Mr. Day, said that neighbor's yard, triplex is arcing 22 also.</b></p> <p>23 Q. You're right because it was in the path of the 24 fire, wasn't it?</p> <p><b>25 A. No.</b></p>	<p>Page 182</p> <p>1 that correct?</p> <p><b>2 A. That is correct.</b></p> <p>3 Q. And I thought you told us you got a Master's 4 license at the University of Tennessee?</p> <p><b>5 A. Yes.</b></p> <p>6 Q. Okay. Well, that's different than a Master's 7 in electrical engineering, isn't it?</p> <p><b>8 A. That's a Master's in electrical engineering I 9 did at University of Tennessee.</b></p> <p>10 Q. You're telling me you got a bachelor's and a 11 Master's in electrical from the University of Tennessee 12 in four years?</p> <p><b>13 A. I went to college approximately 10 years 14 altogether.</b></p> <p>15 Q. Okay. So you have these degrees that are up 16 on your wall and a diploma from the University of 17 Tennessee?</p> <p><b>18 A. I've got them in a cardboard box somewhere.</b></p> <p>19 Q. Okay. So if you -- if I asked you to show me 20 your degree in electrical engineering from the 21 University of Tennessee, could you provide that with the 22 deposition?</p> <p><b>23 A. Sure.</b></p> <p>24 Q. Okay. Well, I would request that, that you 25 shows us the diplomas, okay?</p>

<p>1   <b>A. Sure.</b></p> <p>2   Q. And we'll make those the next deposition 3 exhibits.</p> <p>4        Okay. So let me ask you, did you ever 5 work as a electrical engineer?</p> <p>6   <b>A. I've done some of it for about, I would say, 7 about three months. But the suit and tie routine wasn't 8 my bag.</b></p> <p>9   Q. Oh, okay. Who did you work for?</p> <p>10   <b>A. I can't recall. It's been too many years ago.</b></p> <p>11   Q. Have you ever been a registered professional 12 engineer?</p> <p>13   <b>A. No.</b></p> <p>14   Q. Okay. You ever worked as a firefighter?</p> <p>15   <b>A. No.</b></p> <p>16   Q. You have any certification on fire 17 investigations?</p> <p>18   <b>A. No.</b></p> <p>19   Q. Have you ever worked for an electric utility?</p> <p>20   <b>A. No.</b></p> <p>21   Q. Do you know what the point of delivery is on a 22 residential service?</p> <p>23   <b>A. Point of delivery, what do you mean?</b></p> <p>24   Q. Well, there's a definition specifically in the 25 utility industry about what the point of service is on a</p>	<p>Page 185</p> <p><b>1 whole book memorized. I don't study it that often 2 anymore.</b></p> <p>3   Q. But you must have forgotten about Section 90, 4 correct?</p> <p>5   <b>A. Correct.</b></p> <p>6   Q. Okay. Do you consider yourself an expert in 7 the NESC, which is the National Electrical Safety Code?</p> <p>8   <b>A. Yes.</b></p> <p>9   Q. You do?</p> <p>10   <b>A. I do --</b></p> <p>11   Q. Huh?</p> <p>12   <b>A. National Electric Code tells you all the 13 requirements throughout the nation, but each 14 jurisdiction has got their own little things that they 15 want to add to it and don't add to it.</b></p> <p>16   Q. Did you -- did you understand my question?</p> <p>17 The National Electrical Safety Code, not the National 18 Electronic Code.</p> <p>19   <b>A. Oh, the safety code. No, I haven't went 20 through that.</b></p> <p>21   Q. So you don't consider yourself an expert in 22 that, correct?</p> <p>23   <b>A. Correct.</b></p> <p>24   Q. Okay. Do you know the difference between the 25 NEC and NESC?</p>
<p>1   residence. I just wondered if you know what it is.</p> <p>2   <b>A. Well, the point of delivery is out there 3 coming from the transformer to the weatherhead on the 4 structure.</b></p> <p>5   Q. Well, as it turns out it's the weatherhead.</p> <p>6 Did you know that, at the connection to the weatherhead?</p> <p>7   <b>A. I just said that.</b></p> <p>8   Q. Okay. Well, you said something about the 9 transformer. Transformer --</p> <p>10   <b>A. That's where the power is originating from, 11 and then it goes to the weatherhead. And that goes back 12 into the meter and goes to the residence.</b></p> <p>13   Q. Right. But did you know the point of 14 delivery --</p> <p>15   <b>A. Yes.</b></p> <p>16   Q. -- was the weatherhead?</p> <p>17   <b>A. Yes.</b></p> <p>18   Q. Okay, you knew that. Okay.</p> <p>19        Everything past that is the customer's, 20 correct?</p> <p>21   <b>A. Correct.</b></p> <p>22   Q. Okay. Do you consider yourself an expert in 23 the NEC?</p> <p>24   <b>A. Pretty much I used to be. I don't go through 25 that book as much as I used to. I used to have that</b></p>	<p>Page 186</p> <p><b>1 A. Well, you got the -- the only part on the 2 National Electric Code, you got the fire code inside of 3 that also. They're the ones that designed that 4 particular book.</b></p> <p>5   Q. Yeah, but I'm asking you if you know the 6 difference between the NEC and the NESC.</p> <p>7   <b>A. No.</b></p> <p>8   Q. Okay. I think you told -- told us earlier, 9 this was the first time you've ever been deposed, 10 correct?</p> <p>11   <b>A. Correct.</b></p> <p>12   Q. Okay. Have you ever testified as an expert in 13 a case before?</p> <p>14   <b>A. No.</b></p> <p>15   Q. Okay. Now, I think you told us that you were 16 testifying today for free; is that correct?</p> <p>17   <b>A. Tested for what?</b></p> <p>18   Q. That you're testifying for free; you're not 19 charging.</p> <p>20   <b>A. Correct.</b></p> <p>21   Q. Have you been promised anything in this case 22 if there's any money exchanged hands?</p> <p>23   <b>A. No.</b></p> <p>24   Q. Okay. Now, when you were telling us how the 25 ground -- the ground wire at the pole was wrong, is that</p>

<p style="text-align: right;">Page 189</p> <p>1 based on the requirements of the National Electric      2 Code?</p> <p><b>3 A. Yes.</b></p> <p>4 Q. Okay. We've already discussed that, about      5 what the code says about the utility installations,      6 correct?</p> <p><b>7 A. Correct.</b></p> <p>8 Q. Okay. Now, Mr. Swallow went through a bunch      9 of photographs with you, that you drove around with      10 Mr. Cude and took photos in the Arrowhead subdivision,      11 correct?</p> <p><b>12 A. Correct.</b></p> <p>13 Q. Are there any other utilities that serve the      14 Arrowhead subdivision?</p> <p><b>15 A. No, it's all AEP.</b></p> <p>16 Q. You don't think San Patricio Electric Co-op      17 has any lines and equipment out there?</p> <p><b>18 A. Not in Arrowhead. They go into Lagardo, and      19 then they've got San Pavalec (ph.).</b></p> <p>20 Q. Okay. Does NEC have anything out there?</p> <p><b>21 A. Not that I'm aware of.</b></p> <p>22 Q. Okay. So there were -- there were photographs      23 of transformers that were rusted, things of that nature.      24 We went through a bunch of that kind of stuff. My      25 question to you is, does that have anything to do with</p>	<p style="text-align: right;">Page 191</p> <p>1 Q. I'm sorry, I'm going through all the notes      2 here to try to get finished.</p> <p>3 Now, you were asked a question and I      4 don't remember what -- I don't remember what exhibit it      5 was but it was this. It was the -- the meter -- the      6 meter manual. Do you remember that?</p> <p><b>7 A. Yeah.</b></p> <p>8 Q. Okay. And I think you said that the meter      9 manual was for AEP people; is that correct?</p> <p><b>10 A. That's correct.</b></p> <p>11 Q. Okay. Well, let me read from you from page 5      12 in the introduction. This informational booklet is      13 issued by American Electric Power Company for the      14 guidance of customers, engineers, architects,      15 contractors and other interested parties planning      16 electrical installations for residential buildings and      17 small commercial establishments. Did you know that?</p> <p><b>18 A. That's part of the law.</b></p> <p>19 Q. That says that this booklet, this meter guide      20 is for the public and people like you, correct?</p> <p><b>21 A. That would be correct, but AEP has got to      22 follow the same rules.</b></p> <p>23 Q. No, sir, this has to do with the meter      24 installations on the customer's equipment, right?</p> <p><b>25 A. That's correct. And if I don't install it</b></p>
<p style="text-align: right;">Page 190</p> <p>1 the starting of this fire?</p> <p><b>2 A. Well, all that's telling you -- telling me,      3 that AEP does not maintain their equipment.</b></p> <p>4 Q. I understand what your argument is, but my      5 question is, did that have anything, those photographs      6 have anything to do with the actual cause of this fire?</p> <p><b>7 A. No.</b></p> <p>8 Q. You know, we did -- we got -- we saw the      9 transformer plate. Do you remember that?</p> <p><b>10 A. Yes.</b></p> <p>11 Q. Okay. What do you think the transformer plate      12 was telling us?</p> <p><b>13 A. It was telling you that internally that had a      14 fuse on the line side and had a secondary breaker on the      15 secondary side.</b></p> <p>16 Q. And it tells you what the settings are,      17 doesn't it?</p> <p><b>18 A. Yes.</b></p> <p>19 Q. Okay. Do you have any way to determine      20 whether or not those settings are correct in that      21 transformer?</p> <p><b>22 A. I'd have to look at it again.</b></p> <p>23 Q. I guess my question is, you don't have any      24 evidence that the settings are incorrect, correct?</p> <p><b>25 A. Correct.</b></p>	<p style="text-align: right;">Page 192</p> <p><b>1 correctly, then AEP will not energize that building.</b></p> <p>2 Q. But AEP doesn't inspect it, do they? They      3 wait for you --</p> <p><b>4 A. They do -- out here they do.</b></p> <p>5 Q. What?</p> <p><b>6 A. They do here.</b></p> <p>7 Q. Oh, tell me who's done it for you.</p> <p><b>8 A. The people that's been coming out installing      9 meters for hooking up new service, they inspect if it's      10 got the service is grounded or not grounded and properly      11 or what.</b></p> <p>12 Q. They don't -- but you told me --</p> <p><b>13 A. That's what they inspect. That's the only      14 thing they inspect.</b></p> <p>15 Q. Well, they inspect the meters enclosure,      16 correct?</p> <p><b>17 A. Correct.</b></p> <p>18 Q. Because they're going to put their meter in.</p> <p><b>19 A. Correct.</b></p> <p>20 Q. But they don't inspect the customer's      21 equipment and wiring, do they?</p> <p><b>22 A. No, just the wire going into that meter.</b></p> <p>23 Q. Okay. You know what, I think that's all I      24 have at the moment unless Mr. Swallow asks you something      25 that I want to follow up on. I appreciate your time.</p>

<p>1   <b>A. Yes, sir.</b></p> <p>2                   EXAMINATION</p> <p>3 BY MR. SWALLOW:</p> <p>4   Q. I've got a few. Are you all right to go for a        5 little bit longer, Mr. Winkfein?</p> <p>6   <b>A. I'll try it a little bit longer.</b></p> <p>7   Q. Okay. I don't think I'll take very long.</p> <p>8                   Mr. Schauer talked a little bit about 240        9 volts being the maximum that can go into -- to the      10 residence from the AEP service in -- in this case. Do        11 you remember that?</p> <p>12   <b>A. Yes.</b></p> <p>13   Q. Is that -- what do people normally weld with?        14 Is that normally 240 volts?</p> <p>15   <b>A. It's usually 240 volts.</b></p> <p>16   Q. And I'm trying to come up here -- come up with        17 an example that -- that -- illustrative to the jury.        18 You know, and a welder creates an incredible amount of        19 heat, right? Is that the --</p> <p>20   <b>A. Like this.</b></p> <p>21   Q. Did you ever do any welding?</p> <p>22   <b>A. I'm not a welder.</b></p> <p>23   Q. Okay. All right. 240 volts, though, is --        24 would you agree is sufficient to create enough heat to        25 start a fire?</p>	<p>Page 193</p> <p>1 fire started and then slowly sizzled somewhere, but this        2 -- the fire almost started everywhere at once?</p> <p>3   <b>A. Pretty much.</b></p> <p>4   Q. Okay. Now, Mr. Schauer was asking whether you        5 had any ideas about the winds that night. And I did ask        6 you ask a question about that, and I think my question        7 was not whether -- whether it was blowing that night,        8 but is that -- if it were blowing that night, is that        9 something that could have contributed to the -- the        10 wires arcing coming into contact with each other?</p> <p>11   <b>A. It could have had, depending if those wires        12 was damaged. They could -- the wind swinging those        13 conductors, that could have entered -- that's what could        14 have started off the arcing right there.</b></p> <p>15   Q. And the same question -- all right -- I had        16 asked you a similar question. With the moisture or        17 rain, is that something else that can --</p> <p>18   <b>A. That's conductive.</b></p> <p>19   Q. Would contribute to -- if it were. And I        20 understand you weren't -- you weren't up at 4 a.m. when        21 the fire started. But if those were the conditions that        22 night, could that have contributed to it?</p> <p>23   <b>A. Sure. Dew can cause that too on the lines.</b></p> <p>24   Q. Okay. Now, I actually asked you during --        25 during my questioning, and I want to -- I want to pull</p>
<p>1   <b>A. Yes.</b></p> <p>2   Q. Okay. And -- and I want to the ask you a        3 follow-up. Mr. Schauer is asking where specifically you        4 thought the fire started, whether it was on the --        5 whether on the triplex or inside the house. And -- and        6 my thought on this, or -- and I don't know whether you        7 agree or not, but this would have -- this would have        8 been a pretty energetic reaction when it occurred.        9 Would you agree with that?</p> <p>10   <b>A. Correct.</b></p> <p>11   Q. I mean, was this a slow fizzling fire when it        12 would have started, or electrical fires like this, when        13 you have -- when you -- when you have those, the        14 neutrals come into contract with the hot wire, the two        15 hot wires come together, is that a fairly energetic        16 reaction?</p> <p>17   <b>A. Yes.</b></p> <p>18   Q. Okay. And, I mean, how long -- the -- the --        19 the -- I guess what I'm trying to get at is the reaction        20 would have occurred both outside on the -- on the line        21 and inside on the wires. Would that have occurred        22 fairly rapidly?</p> <p>23   <b>A. Very rapidly.</b></p> <p>24   Q. Okay. And -- and maybe a better way to -- to        25 think about it for the jury is that it's not that the</p>	<p>Page 194</p> <p>1 up on my share screen something -- I've labeled this        2 Exhibit 28.</p> <p>3                   Are you familiar with the intersection of        4 Buffalo and South Vista Drive?</p> <p>5   <b>A. Yes.</b></p> <p>6   Q. Okay. And have you -- do you recall whether        7 there's a fuse cutout there or not?</p> <p>8   <b>A. I don't recall there was.</b></p> <p>9   Q. Okay.</p> <p>10   <b>A. I haven't looked up on it, so I don't know. I        11 never paid no attention. We drove around but I didn't        12 see a cutout anywhere.</b></p> <p>13   Q. Is it possible that the cutout was installed        14 recently or after the fire?</p> <p>15   <b>A. I would say probably after the fire. That's        16 what Mr. Cude had said.</b></p> <p>17   Q. Okay. And I pulled up on -- can you see        18 the -- can you see the screen here? It's Exhibit 28.</p> <p>19   <b>A. Yes.</b></p> <p>20   Q. Okay. Is that -- is that South Vista Drive        21 and Buffalo Street?</p> <p>22   <b>A. That could be right there, yes.</b></p> <p>23   Q. Okay. You're not sure.</p> <p>24                   And -- well, I'm not going -- I'll        25 represent to you that this is -- this is a Google image</p>

<p style="text-align: right;">Page 197</p> <p>1 from April 2011 that was pulled up on the Internet, and      2 I don't see any -- any cutout there. But I guess --</p> <p><b>3 A. There's not one. Yeah, that is this thing,      4 Buffalo.</b></p> <p>5 Q. And I don't know specifically what pole it's      6 been installed on, if it -- if it is there, but it's      7 possible that the cutout was installed after the fire,      8 correct?</p> <p><b>9 A. That's correct.</b></p> <p>10 Q. And if -- if that were -- were the case,      11 then -- then there would not have been a cutout on      12 Mr. Cude's line at the time of the fire.</p> <p><b>13 A. There was no cutout at the time.</b></p> <p>14 Q. Now, Mr. Schauer talked a little bit about      15 the -- I believe it was the NE -- NEC and whether AEP      16 had to follow those guidelines. In your experience,      17 does -- does AEP still have to follow industry standards      18 and practices?</p> <p><b>19 A. They're supposed to.</b></p> <p>20 Q. Okay. And what's your opinion as -- as --      21 with regard to maintenance of AEP? Is it within      22 industry standards and practices?</p> <p><b>23 A. No.</b></p> <p>24 Q. Okay. How about -- I think the -- the      25 question came with -- with regard to the size of a</p>	<p style="text-align: right;">Page 199</p> <p><b>1 particular wire looked too small for that. That's a      2 solid number 8. It's got a kink in it too.</b></p> <p>3 Q. And I pulled up on the screen Exhibit 18      4 again, and this is the ground wire you had identified at      5 Mr. Cude's -- the transformer of Mr. Cude's former      6 residence, correct?</p> <p><b>7 A. Correct.</b></p> <p>8 Q. Okay. And -- and -- you've been -- you've      9 been a master electrician for many years. Can you      10 recognize the difference between 4 and 8 ground wires?</p> <p><b>11 A. Pretty much. Pretty much.</b></p> <p>12 Q. Okay.</p> <p><b>13 A. They're real similar.</b></p> <p>14 Q. And you inspected this wire.</p> <p><b>15 A. Yes.</b></p> <p>16 Q. Can you tell the jury what size is this wire?</p> <p><b>17 A. I would say it's -- looks like a number 8.</b></p> <p>18 Q. Okay. And any other problems with this wire?</p> <p><b>19 A. Looks like it's got a kink in it and it's all      20 corroded up.</b></p> <p>21 Q. Would that also be -- be a cause for concern?</p> <p><b>22 A. Yes.</b></p> <p>23 Q. Okay. And -- and I want to go back because I      24 think this is important. Even -- even if this had been      25 correctly installed, if the transformer fuse didn't</p>
<p style="text-align: right;">Page 198</p> <p>1 ground wire. And -- and I'm going to pull that back up      2 here just so the jury knows what we're talking about if      3 you give me --</p> <p><b>4 A. Look right here will tell pretty much      5 everything you need about linemen's and the grounding,      6 what they require. This is nationwide.</b></p> <p>7 Q. Okay. And is that -- is that an industry      8 standard and practice that AEP --</p> <p><b>9 A. Yes.</b></p> <p>10 Q. And -- and what does that tell us about ground      11 wires?</p> <p><b>12 A. It tells you about all the grounding wires,      13 tells you all about transformers, substations, and on      14 and on and on, anything about a linemen's book.</b></p> <p>15 Q. Okay.</p> <p><b>16 A. That's what a lineman has got to learn, what's      17 in that book.</b></p> <p>18 Q. And with regard to the installation, the AEP      19 installation of Mr. Cude's house, what -- what is that      20 book, the linemen's book tell about? Was it done      21 correctly? Was it ground correct? I mean, what were --</p> <p><b>22 A. Well, the grounding wire was not installed      23 correctly according to this particular book. This      24 should have been in number 4. And the ground rods      25 should have been about three foot from there, and this</b></p>	<p style="text-align: right;">Page 200</p> <p>1 work, hadn't been properly maintained, whether it was      2 rusted, whether it was too old, whatever reason it      3 didn't work, just having this ground wire being the      4 proper gauge, would that have stopped the fire?</p> <p><b>5 A. No.</b></p> <p>6 Q. Okay. So -- and my understanding from your      7 testimony earlier was that the -- the fault was in      8 the -- the fuse and the transformer, that was your      9 conclusion. Do you agree with that?</p> <p><b>10 A. Yes.</b></p> <p>11 Q. Okay. And -- and that was based on, you know,      12 as I understood it, the fact that even after the wire      13 has melted through, the AEP wires continued to melt the      14 truck and -- and continued to be live wires.</p> <p><b>15 A. Correct.</b></p> <p>16 Q. And wouldn't you agree with me, had -- had      17 that fuse been properly working in the transformer, that      18 should not have occurred.</p> <p><b>19 A. That shouldn't have occurred. It should have      20 actually went down through that grounding conductor and      21 it should have opened up those breakers and the fuse.</b></p> <p>22 Q. Okay. And so based on your -- your knowledge,      23 your -- your experience, your background, the primary      24 cause of the fire you believe was the -- the fuse in the      25 AEP, or the malfunctioning fuse in the AEP transformer?</p>

<p>1     <b>A. Yes.</b></p> <p>2     Q. Okay. And I -- I think I asked you this          3 before; I just want to be clear. Is -- is the -- the          4 things that you -- you observed or that Mr. -- you know          5 Mr. Cude and others observed at the fire, the -- the          6 wires continuing to -- to serve electricity, is that --          7 I mean, is that the sort of thing that you would have          8 seen without some sort of fault on behalf of AEP?</p> <p><b>9     A. That's not supposed to happen on AEP. They          10 should have them properly fused and a breaker in this          11 case.</b></p> <p>12    Q. What's supposed to happen if -- if you have,          13 you know, live wires coming into contact, you know,          14 there -- there -- there comes a fault or they fall on a          15 pickup like that? I mean, what should happen?</p> <p><b>16    A. It -- it should have went to ground and also          17 should have opened up that breaker in this particular          18 transformer.</b></p> <p>19    Q. Right. So that should have never happened.          20 Regardless of all this other stuff, that should have          21 never happened.</p> <p><b>22    A. Right. Amperage will open up a breaker and so          23 will current.</b></p> <p>24    Q. Can you see on the screen I pulled up a new          25 exhibit, 29, and this is the Distribution Standards</p>	<p>Page 201</p> <p>1 was -- I was flipping through this.</p> <p>2               And this preamble, this -- it talks about          3 this is for -- for use by operating utilities, American          4 Electric Power System. So that would be AEP. That          5 would be the installation of the distribution network,          6 correct?</p> <p><b>7     A. Correct.</b></p> <p>8     Q. So AEP employees should follow this manual and          9 the installation of -- of the transformer, ground wires,          10 things of that sort, correct?</p> <p><b>11    A. Correct.</b></p> <p>12    Q. I'm going to try to highlight here, and you          13 tell me, I may be off base here, but I'm not an expert          14 on this stuff. But I did notice that this looks like --          15 can you -- what does this page look like? Does this          16 look like a page that explains installation of ground          17 rods to you?</p> <p><b>18    A. Yes.</b></p> <p>19    Q. Okay. Can you read that? And if not I can          20 zoom in a little bit. I see they're talking about, I          21 believe, the wire sizes there, the ground wires.</p> <p><b>22    A. Says number 4 copper.</b></p> <p>23    Q. Okay. And is that general industry standard?</p> <p><b>24    A. Pretty much.</b></p> <p>25    Q. Okay. And so you -- you'd expect AEP</p>	<p>Page 203</p>
<p>1 Manual. It's from AEP.</p> <p><b>2     A. Okay.</b></p> <p>3     Q. Are you familiar with this at all?</p> <p><b>4     A. I haven't studied that book.</b></p> <p>5     Q. Okay. You haven't studied this because this          6 is for AEP employees to study, correct?</p> <p><b>7     A. Right.</b></p> <p>8     Q. Okay. I mean, have you studied any of these          9 distribution standard manuals before? Are you aware          10 generally what's in them?</p> <p><b>11    A. The only one that I looked at is this          12 particular book right here. There's several different          13 engineers and installers and power companies that design          14 this book.</b></p> <p>15    Q. But generally what's in your lineman's manual,          16 should that be the same thing that's in the AEP manual?</p> <p><b>17    A. Pretty much.</b></p> <p>18    Q. Is that because it's an industry standard?</p> <p><b>19    A. Yeah.</b></p> <p>20    Q. Okay. And I'll admit to -- to -- to you, I          21 haven't studied this whole AEP manual. It's 500 some --          22 some pages long. I pulled the 18 pages here, and this          23 was produced by AEP in this litigation. And -- I -- I          24 understand you haven't reviewed it, and that's okay.          25 But I do want to just scroll down here a little bit. I</p>	<p>Page 202</p> <p>1 employees to follow the same standards, correct?</p> <p><b>2     A. Correct.</b></p> <p>3               MR. SWALLOW: I think that's all I have          4 for you, Mr. Winkfein, right now. I really appreciate          5 your time today.</p> <p><b>6               THE WITNESS: Thank you.</b></p> <p><b>7               EXAMINATION</b></p> <p>8 BY MR. SCHAUER:</p> <p>9     Q. Let me ask real quick here. I think you just          10 said that amperage will open a breaker and so will          11 current. Isn't that what you just said?</p> <p><b>12    A. That's what I said.</b></p> <p>13    Q. They're the same thing, aren't they,          14 Mr. Winkfein --</p> <p><b>15    A. Well --</b></p> <p>16    Q. -- amperage and current?</p> <p><b>17    A. Well, amperage and voltage is what I meant.</b></p> <p>18    Q. Oh. So amperage and current you agree are the          19 same thing, and you're telling us now you misspoke?</p> <p><b>20    A. Amperage and current is the same thing.</b></p> <p><b>21    Voltage will open up a breaker too.</b></p> <p>22    Q. Yeah. I know. You've already told us that.          23 Okay.</p> <p>24               You -- you told us a while ago that even          25 if -- if the transformer's breaker had functioned, the</p>	<p>Page 204</p>

<p style="text-align: right;">Page 205</p> <p>1 ground wire would have made no difference, correct?</p> <p><b>2 A. It would have helped.</b></p> <p>3 Q. Well, you said -- you told Mr. Swallow it</p> <p>4 wouldn't have made any difference.</p> <p><b>5 A. Well, this particular ground wire would</b></p> <p><b>6 haven't made any difference.</b></p> <p>7 Q. Okay. And that's because why?</p> <p><b>8 A. It was all corroded up.</b></p> <p>9 Q. Corroded? It's made out of copper. How is it</p> <p>10 going to corrode, sir?</p> <p><b>11 A. Corroded -- it's corroded and it was kinked.</b></p> <p>12 Q. You're right, kinked. You're talking about</p> <p>13 a -- a wire of copper. How is a kink going to diminish</p> <p>14 at all --</p> <p><b>15 A. It diminishes -- diminishes the amperage</b></p> <p><b>16 effect, conductor's work. That number wire is only good</b></p> <p><b>17 for 50 amps. That's number 8 wire.</b></p> <p>18 Q. You're telling us that because it's got a kink</p> <p>19 in it or a bend in it, that --</p> <p><b>20 A. Encroaches.</b></p> <p>21 Q. What?</p> <p><b>22 A. Encroaches. Up on the transformer you can see</b></p> <p><b>23 where it's all rusted out too.</b></p> <p>24 Q. Sir, copper doesn't rust, does it?</p> <p><b>25 A. It corrodes.</b></p>	<p style="text-align: right;">Page 207</p> <p>1 then the ground wire wouldn't have made any difference?</p> <p><b>2 A. Apparently this did not make a difference.</b></p> <p>3 Q. Did you say it wouldn't have made a</p> <p>4 difference?</p> <p><b>5 A. If that ground wire is correctly installed, it</b></p> <p><b>6 wouldn't have made a difference.</b></p> <p>7 Q. That's not what you said a while ago. You</p> <p>8 said it wouldn't have made any difference.</p> <p><b>9 A. Don't confuse me right now.</b></p> <p>10 Q. I'm not trying to confuse you. I'm trying to</p> <p>11 figure out what you're really trying to testify to.</p> <p><b>12 A. If that ground wire was correctly installed</b></p> <p><b>13 you wouldn't have this Goddamn problem.</b></p> <p>14 Q. So you're saying if the ground wire was</p> <p>15 correct, none of this would have happened.</p> <p><b>16 A. That would have helped a whole lot.</b></p> <p>17 Q. Well, no, would it have helped a lot, or would</p> <p>18 it have solved the problem?</p> <p><b>19 A. It would have solved the ducking problem.</b></p> <p>20 Q. Okay. Good enough.</p> <p>21 Now, we already talked a while ago about</p> <p>22 the NEC, and he asked you about the NEC and how it</p> <p>23 applied to AEP. We went through the book, and you know</p> <p>24 that AEP doesn't have to comply to the NEC, correct?</p> <p><b>25 A. That's what it said on that book.</b></p>
<p style="text-align: right;">Page 206</p> <p>1 Q. It gets a -- it gets a green patina on it;</p> <p>2 that's it, right?</p> <p><b>3 A. It gets that and it also corrodes, and that</b></p> <p><b>4 transformer itself, that casing is metal, that's not</b></p> <p><b>5 copper.</b></p> <p>6 Q. Well, we're talking about the ground wire,</p> <p>7 aren't we?</p> <p><b>8 A. Yeah, but going to the transformer, that's</b></p> <p><b>9 metal, that is not copper.</b></p> <p>10 Q. I understand. What's that have to do with</p> <p>11 this case?</p> <p><b>12 A. It wasn't going -- making good connection to</b></p> <p><b>13 that metal casing. It was rusted. That's corrosive.</b></p> <p>14 Q. You're talking about where the ground wire</p> <p>15 joins the casing?</p> <p><b>16 A. Right.</b></p> <p>17 Q. You saw -- you saw -- we'll go back and look</p> <p>18 later.</p> <p><b>19 A. I've seen pictures of it.</b></p> <p>20 Q. Well, we've got the pictures.</p> <p><b>21 A. Well, I got them too.</b></p> <p>22 Q. Okay. So we'll go back and look and see if</p> <p>23 there's rust at the connection; we can go do that.</p> <p>24 But did you not say if the breaker did</p> <p>25 not work properly, the breaker inside the transformer,</p>	<p style="text-align: right;">Page 208</p> <p>1 Q. Okay. Now, have you ever served in a position</p> <p>2 as a lineman?</p> <p><b>3 A. No.</b></p> <p>4 Q. Okay. So you're talking about this lineman's</p> <p>5 handbook. Okay?</p> <p><b>6 A. Right.</b></p> <p>7 Q. Do you -- are you sure that that applies to</p> <p>8 the law in Texas?</p> <p><b>9 A. That applies to, like, the NEC, it goes</b></p> <p><b>10 nationwide.</b></p> <p>11 Q. That's the NEC. We're talk -- you're talking</p> <p>12 about the NEC again.</p> <p><b>13 A. I'm talking about NEC goes nationwide and also</b></p> <p><b>14 that hand -- lineman's handbook goes nationwide.</b></p> <p>15 Q. Okay. Do you know that under Texas law AEP is</p> <p>16 governed by the National Electric Safety Code, which is</p> <p>17 the NES?</p> <p><b>18 A. That's fine.</b></p> <p>19 Q. Well, I just wondered if you knew that.</p> <p><b>20 A. I don't know that for a fact.</b></p> <p>21 Q. Okay. Do you have any evidence that this</p> <p>22 system, the transformer, all of that, did not meet the</p> <p>23 requirements of the NES?</p> <p><b>24 A. It didn't work.</b></p> <p>25 Q. That's not what I asked you. Do you have any</p>

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1 evidence that it met -- it didn't meet the requirements  
 2 of the NESC?  
**3 A. According to this transformer, it was wired**  
**4 correctly but it did not work.**  
 5 Q. Well, you say it malfunctioned, right?  
**6 A. That's right.**  
 7 Q. And I'm asking you if you know if that  
 8 malfunction had anything to do with the requirements of  
 9 the National Electric Safety Code?  
**10 A. I don't think it had any fault for that.**  
 11 Q. Okay. You're not aware of anything, right?  
**12 A. Right.**  
 13 Q. Okay. The transformer that we've been talking  
 14 about, okay, is it still out there on that pole?  
**15 A. As far as I know. I haven't been over there.**  
 16 Q. If it is, it's still working serving the  
 17 neighbor's house, correct?  
**18 A. I don't know if they maintained it and fixed**  
**19 it or what. I have no idea what they did to it.**  
 20 Q. Well, listen to my question. If it's the same  
 21 transformer sitting there, it's still serving that  
 22 neighbor's house, correct?  
**23 A. That's correct. No one is living in that**  
**24 house right now.**  
 25 Q. What?

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1	CHANGES AND SIGNATURE			
2	WITNESS NAME: BILL MARTIN WINKFEIN			
3	DATE OF DEPOSITION: OCTOBER 30, 2020			
4	PAGE	LINE	CHANGE	REASON
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1 **A. There's no one living in that house at the**  
 2 **moment.**  
 3 Q. Well, if -- if it's got a malfunctioning  
 4 breaker inside, wouldn't you expect that neighbor's  
 5 house to burn down?  
**6 A. I would expect AEP to go out there and fix the**  
**7 problem in that transformer.**  
 8 Q. Not what I asked you. Wouldn't you expect the  
 9 neighbor's house to have burned down?  
**10 A. It would have.**  
 11 Q. Okay.  
**12 A. If AEP wouldn't have fixed anything, they**  
**13 could have went in and fixed what was the problem with**  
**14 that transformer.**  
 15 Q. So it would burn down if the transformer  
 16 hasn't been repaired, correct?  
**17 A. Correct.**  
 18 MR. SCHAUER: Okay. That's all I have.  
 19 MR. SWALLOW: Thank you, Mr. Winkfein.  
 20 THE VIDEOGRAPHER: The time is 3:55 p.m.  
 21 We are now off the record.  
 22 (Deposition concluded at 3:55 p.m.)  
 23  
 24  
 25

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1 I, BILL MARTIN WINKFEIN, have read the foregoing  
 2 deposition and hereby affix my signature  
 3 that same is true and correct, except as noted above.  
 4  
 5  
 6  
 7  
 8 STATE OF \_\_\_\_\_  
 9 COUNTY OF \_\_\_\_\_  
 10 BEFORE ME, \_\_\_\_\_, on this  
 11 day personally appeared BILL MARTIN WINKFEIN,  
 12 known to me (or proved to me under oath of \_\_\_\_\_  
 13 or through \_\_\_\_\_) (description of  
 14 identity card or other document) to be the person whose  
 15 name is subscribed to the foregoing instrument and  
 16 acknowledged to me that they executed the same for the  
 17 purposes and consideration therein expressed.  
 18 Given under my hand and seal of office this  
 19 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
 20  
 21  
 22 NOTARY PUBLIC IN AND FOR  
 23 THE STATE OF \_\_\_\_\_  
 24 COMMISSION EXPIRES: \_\_\_\_\_  
 25  
 26 No Changes Made Amendment Sheet(s) Attached

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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE SOUTHERN DISTRICT OF TEXAS  
3 WALTON CUDE )  
4 Plaintiff )  
5 V. ) CIVIL ACTION NO. 2:19cv388  
6 AEP TEXAS, INC. )  
7 Defendant )  
8 REPORTER'S CERTIFICATION OF THE ORAL  
9 DEPOSITION OF BILL MARTIN WINKFEIN  
10 OCTOBER 30, 2020  
11 I, SANDRA E. LEAS, a Certified Shorthand  
12 Reporter and Notary Public in and for the State of  
13 Texas, hereby certify to the following:  
14 That the witness, BILL MARTIN WINKFEIN, was duly  
sworn by the officer and that the transcript of the oral  
15 deposition is a true record of the testimony given by  
the witness;  
16 That the original deposition was delivered to  
MR. JOHN SWALLOW;  
17 That a copy of this certificate was served on  
all parties and/or the witness shown herein on  
18 \_\_\_\_\_.  
That the amount of time used by each party at  
the deposition is as follows:  
19 Mr. John Swallow - 2 hours, 35 minutes  
20 Mr. G. Don Schauer - 1 hour, 30 minutes  
21 That pursuant to information given to the  
deposition officer at the time said testimony was taken,  
22 the following includes counsel for all parties of  
record:  
23 COUNSEL FOR THE PLAINTIFF:  
24 Mr. John Swallow  
25 Mr. Jacob Hubert

Page 214

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10 I further certify that pursuant to FRCP Rule  
30(f)(1) that the signature of the deponent:  
11 \_\_\_\_\_ X \_\_\_\_\_ was requested by the deponent or a party  
12 before the completion of the deposition and that the  
signature is to be before any notary public and returned  
13 within 30 days from date of receipt of the transcript.  
If returned, the attached Changes and Signature Page  
14 contains any changes and the reasons therefore:  
15 \_\_\_\_\_ was not requested by the deponent or a  
party before the completion of the deposition.  
16 I further certify that I am neither Counsel for,  
17 related to, nor employed by any of the parties or  
attorneys in the action in which this proceeding was  
18 taken, and further that I am not financially or  
otherwise interested in the outcome of the action.  
19 Certified to by me on this the 20th day of  
20 November, 2020.  
21   
22 SANDRA E. LEAS, Texas CSR 6929  
Expiration Date: 4/30/2021  
23 Lexitas - Firm Reg. No. 793  
100 E. Ferguson, Suite 900  
24 Tyler, Texas 75702  
Phone: 903.593.3213  
25

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